



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

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**ONSITE VISIT REPORT**

**Mineral County**

Visit date: October 18, 2023

**I. Brief Narrative.**

Marcie Ryba and Thomas Qualls traveled to Hawthorne, NV for an oversight visit, to present to the Board of Commissioners, and to meet with Justice of the Peace Robert Hoferer.

Marcie presented a fiscal and legislative update to the Board of Commissioners. She discussed the indigent defense reimbursements for the last two fiscal years, the amount that DIDS is allocated for the next biennium, that the maximum contribution formula is not in the statutes, and the safety net of contingent funding under AB 454 if counties exceed their projected budgets for indigent defense. She also discussed the ongoing *Davis* monitoring, and reiterated the importance of data collection to reimbursements. She gave the county a heads-up as to the workload study forthcoming, and finally discussed the county's ability to opt in to the NSPD's complex litigation unit for coverage of death penalty cases. Concern was expressed by the District Attorney that the county has had issues with appointed counsel (that are not in a contract with the county) failing to appear in person. As Mineral County's Indigent Defense Plan calls for a third indigent defense contract, it was discussed that the county may want to consider entering into this third contract to address the district attorney's concern.

While Marcie presented to the County Commissioners, Thomas met with Justice of the Peace Robert Hoferer and Court Administrator, Shaniya Williams. Because Judge Hoferer is relatively new to the bench, and the Department had not met with him before, Thomas provided the background of the Department, its basic functions, and its vision for the future. He also discussed many of the same matters that Marcie presented to the Commissioners, including AB 518, AB 454, and allocated funding for the future.

Thomas asked both Judge Hoferer and Ms. Williams to provide feedback on the indigent defense system in Mineral County, including their impressions of the process and the practitioners. They both remarked that it appeared to be working smoothly, that they were happy with both their primary public defender, Kale Brock and their conflict defender, Carl Hylin. They noted that Kale is prompt and prepared and that he always spends plenty

of time before and after hearings talking with his clients. They reported that since he had been on the bench, beginning January of 2023, there was only one appointed attorney on a single occasion who did not show up for court, due to a district court appearance in another county. And that attorney had attempted in good faith to secure a stipulated continuance, but the district attorney had refused to sign it.

Finally, of some concern was a report that the district court judge who oversees three counties was not available to travel as often as regularly scheduled. And that as a partial result, the jail was sometimes full and defendants had to be transferred to Lyon County. In a follow-up conversation, this matter was discussed with Kale Brock, to see if perhaps there were any due process violations as a result that deserved to be litigated by way of a Writ. Kale explained that he was not aware of any such violations.