

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

DEVON RAY HOCKEMIER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68333

Electronically Filed
Jul 16 2015 02:59 p.m.

Tracie K. Lindeman
Clerk of Supreme Court
**DOCKETING STATEMENT
CRIMINAL APPEALS**

(Including appeals from pretrial and post-conviction
rulings and other requests for post-conviction relief)

GENERAL INFORMATION

1. Judicial District Fourth County Elko
Judge Nancy Porter District Ct. Case No. CR-FP-14-0635

2. If the defendant was given a sentence,

(a) what is the sentence?

Count 1: 10 years to Life in Prison, Credit for 339 days served

Count 2: 10 years to Life in Prison, consecutive to Count 1.

(b) has the sentence been stayed pending appeal?

No

(c) was defendant admitted to bail pending appeal?

No

3. Was counsel in the district court appointed ☒ or retained ☐ ?

4. Attorney filling this docketing statement:

Attorney Sherburne M. Macfarlan, III Telephone 775-738-8084

Firm Lockie & Macfarlan, Ltd.

Address: 919 Idaho Street, Elko, NV 89801

Client(s) Devon Ray Hockemier

5. Is appellate counsel appointed ☒ or retained ☐ ?

If this is a joint statement by multiple appellants, add the names and addresses of other counsel on an additional sheet accompanied by a certification that they concur in the filing of this statement.

4. Attorney(s) representing respondent(s):

Attorney Jonathan L. Schulman Telephone 775-738-3101

Firm Elko County District Attorney's Office

Address: 540 Court Street, 2nd Floor, Elko, NV 89801

Client(s) The State of Nevada

Attorney N/A Telephone

Firm

Address:

Client(s)

(List additional counsel on separate sheet if necessary)

7. Nature of disposition below:

☐ Judgment after bench trial

☐ Judgment after jury verdict

☒ Judgment upon guilty plea

☐ Grant of pretrial motion to dismiss

☐ Parole/probation revocation

☐ Motion for new trial

☐ grant ☐ denial

☐ Motion to withdraw guilty plea

☐ grant ☐ denial

☐ Grant of pretrial habeas

☐ Grant of motion to suppress evidence

☐ Post-conviction habeas (NRS ch. 34)

☐ grant ☐ denial

☐ Other disposition (specify):

8. Does this appeal raise issues concerning any of the following:

☐ death sentence

☐ juvenile offender

☒ life sentence

☐ pretrial proceedings

9. Expedited appeals: The court may decide to expedite the appellate process in this matter. Are you in favor of proceeding in such manner?

☒ Yes

☐ No

10. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal (e.g., separate appeals by co-defendants, appeal after post-conviction proceedings):

N/A

11. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts that are related to this appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

N/A

12. Nature of action. Briefly describe the nature of the action and the result below:

Appellant is appealing the sentence after entering pleas of guilty.

13. **Issues on appeal.** State specifically all issues in this appeal (attach separate sheets as necessary):

Did the trial Court err in running the Appellant's two sentences consecutively rather than concurrently.

14. **Constitutional issues:** If the State is not a party and if this appeal challenges the constitutionality of a statute or municipal ordinance, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

15. **Issues of first impression or of public interest.** Does this appeal present a substantial legal issue of first impression in this jurisdiction or one affecting an important public interest?

First impression: ☐ Yes ☒ No

Public interest: ☐ Yes ☒ No

16. **Length of trial.** If this action proceeded to trial or evidentiary hearing in the district court, how many days did the trial or evidentiary hearing last?

0 days

17. **Oral argument.** Would you object to submission of this appeal for disposition without oral argument?

☐ Yes ☒ No

TIMELINESS OF NOTICE OF APPEAL

18. Date district court announced decision, sentence or order appealed from May 21, 2015

19. Date of entry of written judgment or order appealed from Jun 9, 2015

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

N/A

20. If this appeal is from an order granting or denying a petition for a writ of habeas corpus, indicate the date written notice of entry of judgment or order was served by the district court

(a) Was service by delivery ☐ or by mail ☐ N/A

21. If the time for filing the notice of appeal was tolled by a post judgment motion,

(a) Specify the type of motion, and the date of filing of the motion: N/A

Arrest judgment _____ Date filed _____

New trial (newly
discovered evidence) _____ Date filed _____

New trial (other grounds) _____ Date filed _____

(b) Date of entry of written order resolving motion N/A

22. Date notice of appeal filed Jun 29, 2015

23. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or other

NRAP 4(b)

SUBSTANTIVE APPEALABILITY

24. Specify statute, rule or other authority that grants this court jurisdiction to review from:

NRS 177.015(1)(b) _____	NRS 34.560 _____
NRS 177.015(1)(c) _____	NRS 34.575(1) _____
NRS 177.015(2) _____	NRS 34.560(2) _____
NRS 177.015(3) X _____	Other (specify) _____
NRS 177.055 _____	

VERIFICATION

I certify that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief.

Devon Ray Hockemier

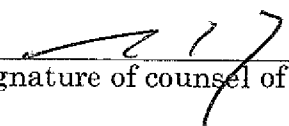
Name of appellant

Sherburne M. Macfarlan, III

Name of counsel of record

Jul 15, 2015

Date



Signature of counsel of record

CERTIFICATE OF SERVICE

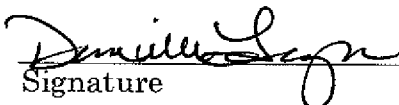
I certify that on the 16th of July, 2015, I served a copy of this completed docketing statement upon all counsel of record:

☐ By personally serving it upon him/her; or

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es):

Elko County District Attorney, 540 Court Street, 2nd Floor, Elko, NV 89801
Devon Hockemier #1140743
c/o Lovelock Correctional Facility, PO Box 359, Lovelock, NV 89419

Dated this 15th day of July, 2015.



Signature