

(Exh. #6)
1063

FILED
ELKO TOWNSHIP
JUSTICE/MUNICIPAL COURT

2014 JUL 24 PM 3:02

Electronically Filed
Nov 15 2021 01:48 p.m.
CLERK Elizabeth A. Brown
Clerk of Supreme Court

1 Case No. 14-CR-00635 4

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5 IN THE JUSTICE COURT OF THE ELKO TOWNSHIP
6 IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 DEVON R. HOCKEMIER,

12 Defendant.
13

EX PARTE
MOTION TO INSPECT
AND COPY JUVENILE
RECORDS

14 COMES NOW, the Defendant, by and through his attorneys of
15 record, Lockie & Macfarlan, Ltd., and hereby moves this Court for
16 an Order to inspect and copy the juvenile records of the defendant,
17 Devon R. Hockemier. This Motion is based upon the attached points
18 and authorities, the attached affidavit of counsel, and any
19 evidence adduced at a hearing on this matter. This Motion is being
20 filed ex parte for tactical reasons.

21 DATED this 24 day of July, 2014.
22

23 SHERBURNE M. MACFARLAN, III
24 Lockie & Macfarlan, Ltd.
25 919 Idaho Street
Elko, Nevada 89801
Bar # 3999

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27 //
28 //

LOCKIE & MACFARLAN, LTD.
Attorneys at Law
919 Idaho Street
Elko, Nevada 89801

Docket 83147 Document 2021-32690

217

POINTS AND AUTHORITIES

Factual Background:

The defendant has been charged with multiple counts of Sexual Assault and related offenses. The Criminal Complaint alleges these offenses occurred between September 1, 2009 and February 28, 2010. The Complaint does not specify specific dates for the offenses. The discovery provided by the District Attorney's Office suggests that the defendant's birth date is November 24, 1992. Thus, the alleged offenses occurred prior to the defendant turning eighteen years of age.

Argument:

NRS 62B.330 provides in pertinent part:

1. Except as otherwise provided in the title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and

218

(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

NRS 62H.030(2) states that, as a general rule, "records of any case brought before the juvenile court may be opened to inspection only by a court order to persons who have a legitimate interest in the records."

It is imperative that defense counsel, or his representative, be allowed to inspect the defendant's juvenile record to determine if he has been adjudicated delinquent for an offense which would be a felony if committed by an adult.

CONCLUSION

Based on the foregoing, it is respectfully requested that counsel or his designated representative (Jim Grady - private investigator), be allowed to inspect, and if necessary, copy the juvenile records of the defendant.

DATED this 24 day of July, 2014.

277
SHERBURNE M. MACFARLAN, III
Lockie & Macfarlan, Ltd.
919 Idaho Street
Elko, Nevada 89901
Bar # 3999

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CASE NO. 14-CR-00635 4E

2014 AUG -5 PM 12:51

(Exh # 284)
16 f1

IN THE JUSTICE COURT OF THE ELKO TOWNSHIP
COUNTY OF ELKO, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

**ORDER GRANTING MOTION
TO INSPECT AND COPY
JUVENILE RECORDS**

DEVON R. HOCKEMIER,

Defendant.

DEVON R. HOCKEMIER, the above named Defendant, by and through legal counsel, filed an ExParte Motion To Inspect and Copy Juvenile Records for the above-named defendant.

The court having reviewed this matter and GOOD CAUSE APPEARING THEREFORE;

IT IS HEREBY ORDERED that all Juvenile records pertaining to Defendant Hockemier, be opened for inspection and copying by Defendant's counsel of record, LOCKIE & MACFARLAN, LTD, and/or their representative, Private Investigator James Grady.

The individual and identifying information with respect to whom the records are being inspected and/or copied is as follows:

Name: DEVON RAY HOCKEMIER
Date of Birth: 11/24/1992

SO ORDERED this 5th day of August, 2014.

/S/ MASON E. SIMONS

MASON SIMONS
Justice of the Peace for The Elko Township,
County of Elko, State of Nevada

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192

(Ex. #261)
10/4

FILED
ELKO TOWNSHIP
JUSTICE/MUNICIPAL COURT
2014 JUL 28 PM 3:06
CLERK ✓

1 Case No. 14-CR-00635 4

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IN THE JUSTICE COURT OF THE ELKO TOWNSHIP
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DEVON R. HOCKEMIER,

Defendant.

CONTINGENT
MOTION TO TRANSFER
CASE TO JUVENILE
COURT

COMES NOW, the Defendant, by and through his attorneys of record, Lockie & Macfarlan, Ltd., and hereby contingently moves this Court for an Order transferring this case to Juvenile Court. This Motion is based upon the attached points and authorities, the attached affidavit of counsel, and any evidence adduced at a hearing on this matter.

DATED this 28 day of July, 2014.

277
SHERBURNE M. MACFARLAN, III
Lockie & Macfarlan, Ltd.
919 Idaho Street
Elko, Nevada 89801
Bar # 3999

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//

LOCKIE & MACFARLAN, LTD.
Attorneys at Law
919 Idaho Street
Elko, Nevada 89801

(221)

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#0193

POINTS AND AUTHORITIES

Factual Background:

The defendant has been charged with multiple counts of Sexual Assault and related offenses. The Criminal Complaint alleges these offenses occurred between September 1, 2009 and February 28, 2010. The Complaint does not specify specific dates for the offenses. The discovery provided by the District Attorney's Office suggests that the defendant's birth date is November 24, 1992. Thus, the alleged offenses occurred prior to the defendant turning eighteen years of age.

Argument:

NRS 62B.370(1) provides:

Except as otherwise provided in this title, a court shall transfer a case and record to the juvenile court if, during the pendency of a proceeding involving a criminal offense, it is ascertained that the person who is charged with the offense was less than 18 years of age when the person allegedly committed the offense.

An exception to this rule is if the case had been transferred to adult court pursuant to NRS 62B.330.

NRS 62B.330 provides in pertinent part:

1. Except as otherwise provided in the title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and

* (2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

Counsel believes that at a hearing on this Motion, two facts will become apparent: (1) the defendant was seventeen years of age at the time of the alleged offenses, and (2) at the time of the alleged offenses, the defendant had not previously been adjudicated delinquent for an act that would have been a felony if committed by an adult.

CONCLUSION

Based on the foregoing, it is respectfully requested that after a hearing on this Motion, the case be transferred to Juvenile Court for further proceedings.

DATED this 28 day of July, 2014.


SHERBURNE M. MACFARLAN, III
Lockie & Macfarlan, Ltd.
919 Idaho Street
Elko, Nevada 89901
Bar # 3999

AFFIDAVIT

County of Elko)
: ss
State of Nevada

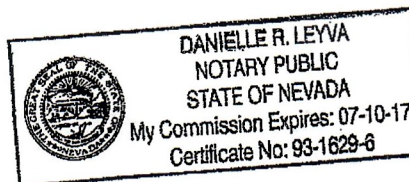
Sherburne M. Macfarlan, III, being first duly sworn, deposes
and says:

1. I am the court appointed attorney for the above-named
petitioner;
2. To the best of my knowledge, the factual allegations
contained within the forgoing Motion are accurate.

DATED this 28 day of July, 2014.

SHERBURNE M. MACFARLAN, III

Subscribed and sworn to before me
this 28 day of July, 2014.



Danielle R. Leyva
NOTARY PUBLIC

CERTIFICATE OF HAND DELIVERY

Pursuant to NRCP 5(b), I hereby certify that I am an employee
of Lockie & Macfarlan, Ltd., Attorneys at Law, and that on the
28 day of July, 2014, I hand-delivered a true and correct copy
of the above and foregoing CONTINGENT MOTION TO TRANSFER CASE TO
JUVENILE COURT to the following:

Elko Co. D.A. 540 Court St., 2nd Floor, Elko, NV 89801

Danielle R. Leyva
Danielle Leyva

LOCKIE & MACFARLAN, LTD.
Attorneys at Law
919 Idaho Street
Elko, Nevada 89801

224

MacFarlan Copy
(Exh. #26J)
1067

FILED
ELKO TOWNSHIP
JUSTICE/MUNICIPAL COURT

2014 AUG -6 PM 3:08

CLERK _____

CASE NO. 14-CR-00635

IN THE ELKO JUSTICE COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DEVON RAY HOCKEMIER,

Defendant.

OPPOSITION TO
CONTINGENT MOTION TO
TRANSFER CASE TO JUVENILE
COURT

COMES NOW, Plaintiff, State of Nevada, by and through its attorneys, MARK TORVINEN, District Attorney for the County of Elko, and JONATHAN L. SCHULMAN, Deputy District Attorney, and submits the following Points and Authorities in support of its Opposition, together with all pleadings and papers on file herein.

Dated this 6th day of August, 2014.

MARK TORVINEN
Elko County District Attorney

By: [Signature]
JONATHAN L. SCHULMAN
Deputy District Attorney
State Bar Number: 9180

RECEIVED AUG 11 2014

225

POINTS AND AUTHORITIES

I. Factual Background

Devon Hockemier ("Defendant") was charged with multiple counts of Sexual Assault on individuals under the age of 14 as well as related offenses. These offenses are alleged to have occurred between September 1, 2009, and February 28, 2010. The Defendant's date of birth is November 24, 1992, which could mean that some of the offenses occurred prior to the Defendant turning 18 years of age.

II Argument

The relevant sections of NRS 62B.370 that is relevant here states:

1. Except as otherwise provided in this title, a court shall transfer a case and record to the juvenile court if, during the pendency of a proceeding involving a criminal offense, it is ascertained that the person who is charged with the offense was less than 18 years of age when the person allegedly committed the offense.

2. A court shall not transfer a case and record to the juvenile court if the proceeding involves a criminal offense:

(a) Excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330; or

(b) Transferred to the court pursuant to NRS 62B.335.

NRS 62B.330 is an exception that would prevent this case being sent to juvenile court. The relevant portions of NRS 62B.330 state:

1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

...
3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged

1 with committing such an act:

2 ...
3 (e) A category A or B felony and any other related offense
4 arising out of the same facts as the category A or B felony,
5 regardless of the nature of the related offense, if the person was
6 at least 16 years of age but less than 18 years of age when the
7 offense was committed, and:

8 (1) The person is not identified by law enforcement as
9 having committed the offense and charged before the person is
10 at least 20 years, 3 months of age, but less than 21 years of age;
11 or

12 (2) The person is not identified by law enforcement as
13 having committed the offense until the person reaches 21 years
14 of age.

15 NRS 200.266(3) clearly states that Sexual Assault on a Child Under the Age of
16 Fourteen Years of Age is a Category A felony so that part of NRS 62B.330(3)(e) is satisfied.
17 The Defendant turned 18 years old on November 24, 2010, so the alleged acts occurred
18 when the Defendant was at least 17 years old and perhaps 18 years old so that part of NRS
19 62B.330(3)(e) is satisfied as well.

*Criminally Charged time
per. is Sept 1 2009 - Feb 28 2010*

20 The police did not identify the Defendant as the person having committed the offense
21 until he was 21 years old. The police were investigating other offenses when one of the
22 alleged victims in this case on November 20, 2013, and he told the Detective that an
23 individual who he used to live with during the time period charged did inappropriate things
24 with him. The alleged victim was able to give a description of the person who allegedly did
25 inappropriate things with him, but could not identify him. The Detective then ended the
26 interview, and tried unsuccessfully to contact the alleged victim's mother. When the
27 Detective interviewed the child's mother several days later, she informed him that the
28 individual is the Defendant. The Defendant turned 21 years old on November 24, 2013, and

1 the Detective did not learn his identify until November 25, 2013. That satisfied NRS 62B.330
2 (3)(e)(2) which does not make this a delinquent act so the Juvenile Court does not have
3 jurisdiction in this case, and thus this case is appropriately charged in the Elko Justice Court.
4

5 There is some case law on this topic. State v. Barren deals with a Defendant who was
6 charged with Category A or B felonies when he was seventeen years old, but he was not
7 identified until after he reached 21 years old. State v. Barren, 279 P.3d 182, 183 (2012). The
8 State filed charges in the Justice Court, but that court determined that it did not have
9 jurisdiction because the State did not first file a petition in juvenile court. The juvenile court
10 determined it did not have jurisdiction due to NRS 62B.330(3)(e)(2), and sent the case back
11 to the justice court. The Justice Court then determined it had jurisdiction under NRS
12 62B.330(3)(e)(2). The Defendant filed a writ of mandamus in District Court asking for the
13 case to be dismissed because of timing issues as NRS 62B.330(3)(e)(2) was enacted after
14 the Defendant allegedly committed these crimes. The District Court granted the writ, and the
15 case went to the Nevada Supreme Court. Id. 279 P.3d at 183-184.
16
17

18 The Barren Court started with determining which court has jurisdiction, and started off
19 with the juvenile court's jurisdiction. The "Juvenile Court has exclusive jurisdiction over a
20 *child* living or found within the county who is alleged or adjudicated to have committed a
21 *delinquent act*. Id. 279 P.3d at 185 citing NRS 62B.330(1) (emphasis added by the Barren
22 Court). NRS 62A.030(1)(b) defines a "child," as "[a] person who is less than 21 years of age
23 and subject to the jurisdiction of the juvenile court for an unlawful act that was committed
24 before the person reached 18 years of age." Id. NRS 62A.030(2) limits the definition of
25 "child" as the term does not include a person who is excluded from the jurisdiction of the
26 juvenile court pursuant to NRS 62B.330. NRS 62B.330(3) limits the broad definition of
27
28

1 "delinquent act" by listing acts that are not considered to be "delinquent acts" and are
2 therefore not within the juvenile court's exclusive original jurisdiction. Barren, 279 P.3d at
3 185. NRS 62B.330(3) excludes from the juvenile court's jurisdiction specific cases like
4 Barren's. Id.
5

6 The dispute in Barren was whether 62B.330(3)(e)(2) applied as it did not go into effect
7 until after the date that the Defendant allegedly committed the offenses. The Supreme Court
8 eventually concluded that jurisdiction in Barren is determined on the date when the State
9 initiated proceedings against him rather than the date when he alleged committed the
10 offenses. Barren, 279 P.3d at 187. The Court ruled that at the time the State initiated
11 proceedings, NRS 62B.330(3)(e)(2) was in effect and the juvenile court did not have
12 jurisdiction. Id.
13

14 The Defendant in this case has been alleged to commit the crimes in the complaint
15 after NRS 62B.330 was amended, and therefore the juvenile court does not have jurisdiction
16 due to the Defendant not being identified until after he turned 21 years old, and he is charged
17 with Category A felonies and related offenses which occurred after he turned 16 years old.
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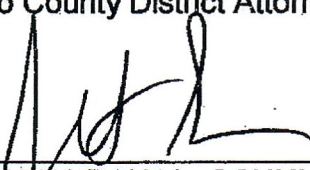
229

1 **III. Conclusion**

2 The Court should deny the Defendant's motion as the juvenile court does not have
3 jurisdiction over the Defendant pursuant to NRS 62B.330 which leaves this court as the only
4 court that does have jurisdiction.
5

6 Dated this 14 day of August, 2014 .

7 **MARK TORVINEN**
8 Elko County District Attorney

9
10 By: 

11 **JONATHAN L. SCHULMAN**
12 Deputy District Attorney
13 State Bar Number: 9180

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to the provisions of NRCP 5(b), that I am an employee of the Elko County District Attorney's Office, and that on the 6th day of August, 2014, I served the foregoing Opposition, by delivering, mailing or by facsimile transmission or causing to be delivered, mailed or transmitted by facsimile transmission, a copy of said document to the following:

By mailing to:

SHERBURNE M. MACFARLAN III
ATTORNEY AT LAW
919 IDAHO ST
ELKO, NV 89801

Kurri Sullivan
KURRI SULLIVAN
FELONY CASEWORKER

DA# 94099

231

(Exh #26K)
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FILED

ELKO JUSTICE COURT
CASE HISTORY

Defendant: HOCKEMIER, DEVON RAY

Case #: 14 CR 00635 4E

Tkt/Cit #:

ELKO CO DISTRICT CLERK

Date: 9/5/2014

Age: unknown

Prosecuting Attorney:

ELKO COUNTY DISTRICT ATTORNEY
CLERK DEPUTY

Defense Attorney:

AM 11:46

Status: CLOSED

BARRETT
MACFARLAN

HEARING HISTORY

6+20+14	72 HOUR HEARING (ELKO JUSTICE)	9/2/2014	10:42 am
6+23+14	FIRST APPEARANCE (ELKO JUSTICE)	9/3/2014	3:00 pm
7+11+14	PRELIMINARY HEARING (ELKO JUSTICE)	9/11/2014	8:00 am
8+14+14	MOTION HEARING (ELKO JUSTICE)	9/14/2014	9:00 am
8+18+14	PRELIMINARY HEARING (ELKO JUSTICE)	9/18/2014	10:00 am

HEARING HELD
HEARING HELD
HEARING CONTINUED - DE
EAP
HEARING HELD

Hearing
for Juvenile
trial

232

#A 201

(Exh#26K)
20511

Case #: 14 CR 00635 4E

CHARGE AND SENTENCE INFORMATION			
1	SEXUAL ASSAULT W/CHILD UNDER 14	FELONY	Sentence Date: 09/01/2009
Plea:	No Plea	Jail:	
Disposition:	08/18/2014 BINDOVER TO DISTRICT COURT		Accident:
2	LEWDNESS WITH A CHILD UNDER 14	FELONY	Sentence Date: 09/01/2009
Plea:	No Plea	Jail:	
Disposition:	08/18/2014 BINDOVER TO DISTRICT COURT		Accident:
3	OPEN OR GROSS LEWDNESS	GROSS MISDEMEANOR	Sentence Date: 09/01/2009
Plea:	No Plea	Jail:	
Disposition:	08/18/2014 BINDOVER TO DISTRICT COURT		Accident:
4	SEXUAL ASSAULT W/CHILD UNDER 14	FELONY	Sentence Date: 09/01/2009
Plea:	No Plea	Jail:	
Disposition:	08/18/2014 BINDOVER TO DISTRICT COURT		Accident:
5	LEWDNESS WITH A CHILD UNDER 14	FELONY	Sentence Date: 09/01/2009
Plea:	No Plea	Jail:	
Disposition:	08/18/2014 BINDOVER TO DISTRICT COURT		Accident:
6	OPEN OR GROSS LEWDNESS	GROSS MISDEMEANOR	Sentence Date: 09/01/2009
Plea:	No Plea	Jail:	
Disposition:	08/18/2014 BINDOVER TO DISTRICT COURT		Accident:
7	SEXUAL ASSAULT W/CHILD UNDER 14	FELONY	Sentence Date: 09/01/2009
Plea:	No Plea	Jail:	
Disposition:	08/18/2014 BINDOVER TO DISTRICT COURT		Accident:
8	LEWDNESS WITH A CHILD UNDER 14	FELONY	Sentence Date: 09/01/2009
Plea:	No Plea	Jail:	
Disposition:	08/18/2014 BINDOVER TO DISTRICT COURT		Accident:
9	OPEN OR GROSS LEWDNESS	GROSS MISDEMEANOR	Sentence Date: 09/01/2009
Plea:	No Plea	Jail:	
Disposition:	08/18/2014 BINDOVER TO DISTRICT COURT		Accident:
10	SEXUAL ASSAULT W/CHILD UNDER 14	FELONY	Sentence Date: 09/01/2009
Plea:	No Plea	Jail:	
Disposition:	08/18/2014 BINDOVER TO DISTRICT COURT		Accident:
11	LEWDNESS WITH A CHILD UNDER 14	FELONY	Sentence Date: 09/01/2009
Plea:	No Plea	Jail:	
Disposition:	08/18/2014 BINDOVER TO DISTRICT COURT		Accident:
12	OPEN OR GROSS LEWDNESS	GROSS MISDEMEANOR	Sentence Date: 09/01/2009
Plea:	No Plea	Jail:	
Disposition:	08/18/2014 BINDOVER TO DISTRICT COURT		Accident:
13	SEXUAL ASSAULT W/CHILD UNDER 14	FELONY	Sentence Date: 09/01/2009
Plea:	No Plea	Jail:	

Data Date: 9/4/2014

Print Date: 9/4/2014

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(Exh. # 26K)
3 of 11

Case #: 14 CR 00635 4E

Disposition:	08/18/2014	DISMISSED DURING PRELIMINARY	
14.	LEWDNESS WITH A CHILD UNDER 14	FELONY	09/01/2009
Plea:	No Plea		
Disposition:	08/18/2014	DISMISSED DURING PRELIMINARY	
15	OPEN OR GROSS LEWDNESS	GROSS MISDEMEANOR	09/01/2009
Plea:	No Plea		
Disposition:	08/18/2014	DISMISSED DURING PRELIMINARY	
16	SEXUAL ASSAULT W/CHILD UNDER 14	FELONY	09/01/2009
Plea:	No Plea		
Disposition:	08/18/2014	BINDOVER TO DISTRICT COURT	
17	LEWDNESS WITH A CHILD UNDER 14	FELONY	09/01/2009
Plea:	No Plea		
Disposition:	08/18/2014	BINDOVER TO DISTRICT COURT	
18	OPEN OR GROSS LEWDNESS	GROSS MISDEMEANOR	09/01/2009
Plea:	No Plea		
Disposition:	08/18/2014	BINDOVER TO DISTRICT COURT	
19	SEXUAL ASSAULT W/CHILD UNDER 14	FELONY	09/01/2009
Plea:	No Plea		
Disposition:	08/18/2014	BINDOVER TO DISTRICT COURT	
20	LEWDNESS WITH A CHILD UNDER 14	FELONY	09/01/2009
Plea:	No Plea		
Disposition:	08/18/2014	BINDOVER TO DISTRICT COURT	
21	OPEN OR GROSS LEWDNESS	GROSS MISDEMEANOR	09/01/2009
Plea:	No Plea		
Disposition:	08/18/2014	BINDOVER TO DISTRICT COURT	
22	KIDNAPPING - FIRST DEGREE	FELONY	09/01/2009
Plea:	No Plea		
Disposition:	08/18/2014	BINDOVER TO DISTRICT COURT	
23	KIDNAPPING - SECOND DEGREE	FELONY	09/01/2009
Plea:	No Plea		
Disposition:	08/18/2014	BINDOVER TO DISTRICT COURT	
SUMMARY			
NO FINES OR FEES DUE ON THIS CASE			
DETAIL			
NO FINES OR FEES DUE ON THIS CASE			

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#0206

(Exh. #26K)

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14 CR 00635 4E

CONDITIONS			
NO CONDITIONS, ALL BY ORDERED ON THIS			

TICKLER INFORMATION	
Tickler	Completion Date
4E AWAITING WARRANT RETURN (ELKO JUSTICE)	06/23/2014

ARREST AND INFORMATION	
NO ARREST, INFORMATION EXT	

LISTING			
Date	Action	Operator	Due
5/1/14	CRIMINAL COMPLAINT FILED CRIMINAL COMPLAINT FILED AND WARRANT SET AT \$3,500,000.00 CASH OR BONDABLE ALERT ISSUED: ALERT ISSUED: ACTIVE WARRANT issued on: 05/01/2014 For: HOCKEMIER, DEVON RAY Bond Amt: 3500000	4E1011	
6/17/14	MISC NOTES: THE COURT WAS NOTIFIED BY ELKO COUNTY DEFENDANT HAS BEEN BOOKED INTO THE JAIL. DEFENDANT HAS NO LOCALS.	4E1011	
6/19/14	MISC NOTES: EX PARTE FILING WITH COURT GIVING NOTICE OF WITNESSES FOR PRELIMINARY HEARING FILED	4E1011	
6/20/14	ALERT SERVED: ALERT SERVED: ACTIVE WARRANT served on: 06/19/2014 For: HOCKEMIER, DEVON RAY BOOKING SHEET FILED BOOKING SHEET FILED DISPOSITION DATA SHEET FILED DISPOSITION DATA SHEET FILED 72-HOUR HEARING SCHEDULED 72-HOUR HEARING SCHEDULED Event: 72 HOUR HEARING (ELKO JUSTICE) Date: 06/20/2014 Time: 10:42 am Judge: SIMONS, MASON Location: Result: 72-HOUR HEARING HELD	4E1011	

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14 CR 00635 4E

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(Exh. #26K)
6 of 11

Case #: 14 CR 00635 4E

Date	Action	Operator	Fine Cost	Due
6/23/14	OF ATTORNEY AND SUBMITTED IT TO THE COURT. AFTER REVIEWING THE APPLICATION AND THE DEFENDANT, THE COURT ORDERED THAT THE PUBLIC DEFENDER BE APPOINTED TO REPRESENT THE DEFENDANT. THE COURT HEARD A STATEMENT FROM THE STATE REGARDING THE NUMBER OF WITNESSES ANTICIPATED AND THE ESTIMATED LENGTH OF A PRELIMINARY HEARING. DEFENDANT STATED HE WOULD WAIVE THE STATUTORY PERIOD FOR A PRELIMINARY HEARING. THE COURT SET THE PRELIMINARY HEARING FOR JULY 11, 2014, AT 8:00 A.M. DEFENDANT WAS ORDERED REMANDED TO THE ELKO COUNTY SHERIFF IN LIEU OF POST BOND AMOUNT OF \$3,500,000.00 CASH OR BOND. COURT ADJOURNED.			
6/27/14	FILED: MOTION MOTION TO BE RELIEVED OF THE DEFENSE ATTORNEY AND APPOINTMENT OF NEW COUNSEL AND SUBMITTAL OF PRELIMINARY HEARING SCHEDULED PRELIMINARY HEARING SCHEDULED Event: PRELIMINARY HEARING (ELKO JUSTICE CENTER) Date: 07/11/2014 Time: 8:00 am Judge: SIMONS, MASON Location: ELKO JUSTICE CENTER Result: PRELIMINARY HEARING CONTINUED FOR 30 DAYS REQUEST	4EERAT 4EJSPE		
7/1/14	ORDER: ORDER GRANTING MOTION TO WITHDRAW RECORD AND APPOINTING NEW ATTORNEY FOR DEFENDANT FILED. THE COURT HEREBY ORDERS THAT ATTORNEY LORIEN COLE BE APPOINTED TO REPRESENT THE DEFENDANT IN THIS MATTER.	4EERAT		
7/8/14	FILED: MOTION MOTION FOR OR RELEASE FILED BY ATTORNEY LORIEN COLE. FILED: MOTION EX PARTE MOTION TO CONTINUE PRELIMINARY HEARING FILED BY ATTORNEY LORIEN COLE. AMENDED COMPLAINT FILED AMENDED COMPLAINT FILED	4EJSMD 4EJSMD 4EJCA		
7/10/14	FORM GENERATION FORM GENERATION	4EJSMD		

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Case #: 11 CR 00635 4E

Date	Action	Opera	Fine/Cost	Due
7/10/14	4E ORDER FOR NEW ATTORNEY Sent on: 07/10/2014 14:10:58.57 FILED: MOTION MOTION TO WITHDRAW AS COUNSEL FOR BY ATTORNEY LORIEN COLE. ORDER APPOINTING NEW ATTORNEY ORDER GRANTING MOTION TO WITHDRAW RECORD AND APPOINTING NEW ATTORNEY DEFENDANT ISSUED AND FILED. THE COURT LAW OFFICE OF LOCKIE & MACFARLAN BE REPRESENT THE DEFENDANT IN THIS MATTER	NOT FILED 4EJSM		
7/11/14	PRELIMINARY HEARING CONTINUED - DEF PRELIMINARY HEARING CONTINUED - DEF The following event: PRELIMINARY HEARING scheduled for 07/11/2014 at 8:00 am has been rescheduled Result: PRELIMINARY HEARING CONTINUED REQUEST Judge: SIMONS, MASON Location: IN-CUSTODY TRANSPORT IN-CUSTODY TRANSPORT TO COURTHOUSE IN-COURT MINUTES IN-COURT MINUTES: COURT WAS CALLED A.M. JUDGE MASON E. SIMONS, JUSTICE OF ELKO TOWNSHIP, PRESIDING. DEFENDANT COURT, IN CUSTODY, WITH ATTORNEY MACFARLAN, III. DEPUTY DISTRICT ATTORNEY SCHULMAN AND TANNER SHARP, WERE PRESENT STATE. THE OFFICIAL COURT REPORTER, A PRESENT TO RECORD THE PROCEEDINGS. THE ORIGINALLY SET FOR PRELIMINARY HEARING THE COURT REVIEWED THE RECORD OF CO WITH THE PARTIES. THE COURT NOTED TH OF LOCKIE & MACFARLAN HAD BEEN CASE YESTERDAY. DEFENSE ADVISED THE COURT THAT IT HAD WAIVER OF RIGHT TO SPEEDY PRELIMINARY DEFENDANT HAD EXECUTED YESTERDAY. PRESENTED TO THE COURT. THE STATE ADVISED THAT IT ANTICIPATED HEARING WOULD LAST FROM FOUR TO SIX REQUESTED IT BE SET EARLY IN THE DAY COURT NOTED THAT THE PARTIES HAD AGREED	REQUEST 4EJWC REQUEST 4EJWC 8:12 4EJWC OR IN HAN E WAS ME INGS FFICE THIS WAS NARY TING		

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#0210

(Exh. # 26 K)

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Case #: 14 CR 00635 4E

Date	Action	Operator	Fine/Cost	Due
7/11/14	THE PRELIMINARY HEARING ON MONDAY, AUGUST 18, 2014. COURT FURTHER NOTED THAT IT CURRENTLY HAS NO PRELIMINARY HEARING SCHEDULED FOR MONDAY, AUGUST 18, 2014. COURT ADVISED THAT THE PRELIMINARY HEARING COULD BE SET TO BEGIN FOLLOWING THE NEXT PRELIMINARY HEARING SESSION. PARTIES AGREED.			
	COURT SET THE PRELIMINARY HEARING FOR MONDAY, AUGUST 18, 2014, AT 10:00 A.M., TO LAST FOR ONE HOUR OF THAT DAY.			
	STATE REQUESTED THAT THE WITNESSES WHO WERE SUBPOENAED FROM THE BENCH.			
	COURT ADVISED THE WITNESSES WHO WERE SUBPOENAED THAT THEIR SUBPOENAS WERE BEING CONTINUED TO A NEW DATE. THE FOLLOWING WITNESSES: O.M., S.B., H. A. WILSON, CHARLES BRIDGE, PAMELA ERNSTEIN, ALI, DETECTIVE HESSING, AND CARRIE POWER. THE COURT TO APPEAR FOR PRELIMINARY HEARING ON MONDAY, AUGUST 18, 2014, AT 10:00 A.M.			
	DEFENDANT ORDERED REMANDED TO THE ELKO COUNTY SHERIFF IN LIEU OF POSTBOND. AMOUNT OF \$3,500,000.00 BONDABLE. COURT ADJOURNED.			
	PRELIMINARY HEARING SCHEDULED PRELIMINARY HEARING SCHEDULED Event: PRELIMINARY HEARING (ELKO JUSTICE) Date: 08/18/2014 Time: 10:00 am Judge: SIMONS, MASON Location: Result: PRELIMINARY HEARING HELD	4EJWEBB		
	15 DAY WAIVER FILED 15 DAY WAIVER FILED: WAIVER OF RIGHT TO PRELIMINARY HEARING FILED BY LOCKE, J. L. AN, LTD.	4EJWEBB		
7/14/14	REQUEST: REQUEST THAT PREVIOUSLY FILED MOTION TO BE HELD IN ABEYANCE FILED. MISC NOTES: EX-PARTE APPLICATION TO EMPLOY PRIVATE INVESTIGATOR FILED.	4EERAMIREZ		
7/15/14	ORDER: ORDER GRANTING EX-PARTE APPLICATION TO EMPLOY PRIVATE INVESTIGATOR FILED.	4EERAMIREZ		
7/24/14	MISC NOTES: EX PARTE MOTION TO INSPECT AND COPY RECORDS	4EERAMIREZ		

Data Date: 9/4/2014

Print Date: 9/4/2014

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Case #: 14 CR 00635 4E

Date	Action	Operator	Fine/Cost	Due
7/24/14	FILED.			
7/28/14	MISC NOTES: CONTINGENT MOTION TO TRANSFER CASE TO JUVENILE COURT FILED.	4EERAMIREZ		
8/4/14	MISC NOTES: EX-PARTE APPLICATION FOR PAYMENT OF INVESTIGATOR FEES FILED.	4EERAMIREZ		
8/5/14	ORDER: ORDER AUTHORIZING PAYMENT OF INVE. FEES FILED. ORDER: ORDER GRANTING MOTION TO INSPECT ADJUVENILE RECORDS FILED.	4EERAMIREZ		
8/6/14	OPPOSITION OPPOSITION TO CONTINGENT MOTION TO TRANSFER CASE TO JUVENILE COURT FILED.	4EERAMIREZ		
8/7/14	MOTION HEARING SCHEDULED MOTION HEARING SCHEDULED Event: MOTION HEARING (ELKO JUSTICE) Date: 08/14/2014 Time: 9:00 am Judge: SIMONS, MASON Location: Result: HEARING HELD MISC NOTES: THE COURT SCHEDULED A HEARING ON THE MOTION TO TRANSFER CASE TO JUVENILE COURT FOR 9:00 A.M. ALL PARTIES NOTIFIED.	4EERAMIREZ		
8/14/14	HEARING HELD: HEARING HELD: The following event: MOTION HEARING (ELKO JUSTICE) scheduled for 08/14/2014 at 9:00 am has been resulted as follows: Result: HEARING HELD Judge: SIMONS, MASON Location: IN COURT MINUTES: IN COURT MINUTES: THE COURT WAS CALLED TO ORDER AT 9:00 A.M. BY JUDGE MASON E. SIMONS, JUSTICE OF THE PEACE FOR ELKO TOWNSHIP. THE DEFENDANT WAS REPRESENTED BY ATTORNEY SHERBURNE MACFARLANE AND DISTRICT ATTORNEYS, JONATHAN SCHULMAN AND JESSICA HARP, WERE PRESENT FOR THE STATE. THIS IS THE MOTION TO TRANSFER CASE TO JUVENILE COURT FILED BY THE DEFENSE. THE DEFENSE PROCEEDED WITH PERMITS AND EXAMINED THE	4EJSMITH		

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