

6. Charles Bridge's Redacted Audio Interview
7. O.M.'s Redacted Audio Interview
8. S.B.'s Redacted Audio Interview
9. Detective Zachary Hessing's Reports
10. Preliminary Hearing Transcript

Electronically Filed  
Nov 15 2021 06:16 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Defendant's Proposed Exhibit's

None noted at this time, however the Defendant reserves the right to introduce into evidence any items that may become necessary to introduce as part of his defense.

DISCOVERY TO BE ADMITTED INTO EVIDENCE

State and Defendant have engaged in discovery pursuant to NRS 174. The parties are unable to reach any agreement as to the admissibility of any items of evidence or to a stipulation of any facts. The parties reserve the right to object to such exhibits or evidence presently not disclosed.

Dated this 29<sup>th</sup> day of January, 2015.

MARK TORVINEN  
Elko County District Attorney

By: 

JONATHAN L. SCHULMAN  
Deputy District Attorney  
State Bar No.: 9180

Dated this 3 day of Feb., 2015.

By: 

SHERBURNE M. MACFARLAN III  
Attorney for Defendant  
State Bar No.: 3999

(337)

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 4th day of February, 2015, I served the foregoing Joint List Of Witnesses, Exhibits and Discovery To Be Offered As Evidence, 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 delivering to:

HONORABLE NANCY PORTER  
FOURTH JUDICIAL DISTRICT COURT  
ELKO COUNTY COURTHOUSE  
ELKO, NV 89801

By mailing to:

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

  
KURRI SULLIVAN  
FELONY CASEWORKER

DA# 89194

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(Exh. #43)  
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FILED

2015 FEB 11 PM 4:50  
ELKO CO DISTRICT COURT  
CLERK \_\_\_\_\_ DEPUTY *for*

1 CASE NO. CR-FP-14-635  
2 DEPT. NO. 1  
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6 IN THE FOURTH JUDICIAL DISTRICT COURT  
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO  
8

9 THE STATE OF NEVADA,  
10 PLAINTIFF,

11 V.

MEDIA REQUEST

12 DEVON RAY HOCKEMIER,  
13 DEFENDANT.  
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# 211

(Exh. #43)  
2 of 3

**Julie Thuemler**

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**From:** Ross Andrésón <RAndreson@elkodaily.com>  
**Sent:** Wednesday, February 11, 2015 10:40 AM  
**To:** Julie Thuemler  
**Subject:** FW: Hockemeir

Request for media support.  
Thank you,  
Ross Andreson  
Photo editor  
Elko Daily Free Press

---

**From:** Dylan Harris  
**Sent:** Wednesday, February 11, 2015 10:35 AM  
**To:** Ross Andrésón  
**Subject:** Hockemeir

Hockemeir change of plea: 4 p.m. Thursday in Judge Nancy Porter's court

Dylan Woolf Harris  
Elko Daily Free Press  
775-340-8295 (cell)  
775-748-2748 (office)  
[dharris@elkodaily.com](mailto:dharris@elkodaily.com)

340

#0312

CERTIFICATE OF HAND DELIVERY

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court,  
Department 1, and that on this 11<sup>th</sup> day of February, 2015, I personally hand delivered a file stamped copy  
of the foregoing **MEDIA REQUEST** to:

Mark D. Torvinen, Esq.  
Elko County District Attorney  
540 Court Street, 2<sup>nd</sup> Floor  
Elko, NV 89801  
[Box in Clerk's Office]

Sherburne M. Macfarlan, III, Esq.  
Lockie & Macfarlan, Ltd.  
919 Idaho Street  
Elko, NV 89801  
[Box in Clerk's Office]

*Kathy Anthony*

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(Exh. #44)  
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FILED

2015 FEB 11 PM 4:50

ELKO CO DISTRICT COURT

CLERK \_\_\_\_\_ DEPUTY Ba

1 CASE NO. CR-FP-14-635

2 DEPT. NO. 1

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6 IN THE FOURTH JUDICIAL DISTRICT COURT  
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO  
8

9 THE STATE OF NEVADA,

10 PLAINTIFF,

11 V.

12 DEVON RAY HOCKEMIER,

13 DEFENDANT.  
14 \_\_\_\_\_ /

**ORDER REGARDING  
MEDIA REQUEST**

15 This Court is in receipt of a Media Request submitted by the Elko Daily Free Press on February 11,  
16 2015, regarding the change of plea of Defendant, which is to be held on February 12, 2015.

17 Pursuant to S.C.R. 230, this Court shall grant access to all portions of trial which are available to the  
18 public. This Court, under S.C.R. 230(2), will not permit any photograph or video to be taken of any victim  
19 in this matter without the victim's express permission. Media are restricted from all instantaneous broadcast  
20 of court proceedings, e.g. "streaming," "blogging," "live broadcast," or any form of social media.

21 Furthermore, according to S.C.R. 238(2):

22 News reporters will not deliberately photograph the jury or individual jurors.  
23 However, it is recognized that, because of the physical layout of some  
24 courtrooms and the general trial activity in any courtroom, it may be  
25 impossible not to photograph some jurors as part of the proceedings. To the  
26 extent possible, news reporters shall locate and focus their equipment in such  
a manner as to minimize photographs of the jury. . . . News reporters shall not  
deliberately photograph the jury or individual jurors during the pendency of  
the proceeding. News reporters or news organizations who violate this  
provision may be excluded from further participation in electronic news  
coverage authorized in these rules.


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(Exh. # 44)  
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1 (See also S.C.R. 229 to S.C.R. 246).

2 Therefore, IT IS HEREBY ORDERED that the Elko Daily Free Press' Media Request is GRANTED.

3 SO ORDERED this 11 day of February, 2015.

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5 NANCY PORTER  
6 DISTRICT JUDGE - DEPT. 1  
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(Exh. #44)  
3 of 3

CERTIFICATE OF HAND DELIVERY

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 1, and that on this 11<sup>th</sup> day of February, 2015, I personally hand delivered a file stamped copy of the foregoing **ORDER REGARDING MEDIA REQUEST** to:

Mark D. Torvinen, Esq.  
Elko County District Attorney  
540 Court Street, 2<sup>nd</sup> Floor  
Elko, NV 89801  
[Box in Clerk's Office]

Sherburne M. Macfarlan, III, Esq.  
Lockie & Macfarlan, Ltd.  
919 Idaho Street  
Elko, NV 89801  
[Box in Clerk's Office]

Kathy Anthony

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Fourth Judicial District Court, Department 1, and that on this 11<sup>th</sup> day of February, 2015, I deposited for mailing in the U.S. mail at Elko, Nevada, postage prepaid, a copy of the foregoing **ORDER REGARDING MEDIA REQUEST** to:

Elko Daily Free Press  
3720 Idaho Street  
Elko, Nevada 89801

Kathy Anthony

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#0316



1 CASE NO. CR-FP-14-0635

2 DEPT. NO. 1

FILED

2015 FEB -6 AM 11:38

ELKO CO DISTRICT COURT

CLERK \_\_\_\_\_ DEPUTY *BR*

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6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO  
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 DEVON R. HOCKEMIER,

13 Defendant,  
14

MEMORANDUM OF PLEA  
AGREEMENT

*Probable*

15 I hereby agree to enter pleas of guilty to Counts 2 and 14 of  
16 the Criminal Information filed on August 28, 2014 wherein I am  
17 charged in each count with: LEWDNESS WITH A CHILD UNDER 14 YEARS OF  
18 AGE, A CATEGORY A FELONY AS DEFINED BY NRS 201.230.

19 My decision to plead guilty is based upon the plea agreement  
20 in this case in which the State has agreed to file a Criminal  
21 Information charging me with the above mentioned felonies. The  
22 District Attorney's Office agrees that it will file no further  
23 charges arising out of facts related to this incident, now known by  
24 the District Attorney's Office, and will dismiss the remaining  
25 Counts contained within the Criminal Information at the time of  
26 sentencing. At the time of sentencing, the parties will be free to  
27 argue for any sentence they deem appropriate, including whether the  
28 sentences should be run consecutively or concurrently.

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This document, including any  
attachments, does not contain the  
social security number of any  
person.

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CONSEQUENCES OF THE PLEA

I understand that as a consequence of my pleas of guilty, I will be imprisoned for a period of life with the possibility of parole after ten (10) years on each count, and I may be fined up to \$10,000 on each count. I understand that the law requires me to pay an administrative assessment fee, and that in some instances I may be required to pay other costs incurred by the State in this prosecution, such as drug analysis fees or costs of extradition.

I understand that I may be ordered to make restitution to any victim of the offenses to which I am pleading guilty and to the victim of any related offense which is being dismissed or not prosecuted as a result of this agreement, and that even though charges have been dismissed or not brought as a result of this agreement, they may still be considered by the judge in determining the appropriate sentence to be imposed in my case.

Pursuant to NRS 176A.110 and NRS 176.133, I understand that in order to be eligible for probation on the charge of LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE, I must obtain a psychosexual evaluation that concludes that I do not represent a high risk to reoffend based upon the currently accepted standards of assessment. I also understand that pursuant to NRS 179D.097, I will be required to register as a sex offender. Further, pursuant to NRS 176.0931, I will subject to lifetime supervision. I understand that in order to be released from lifetime supervision, I must:

1. Comply with the provisions of NRS 179D.010 to NRS 179D.550 (registration as a sex offender), inclusive;
2. Not be convicted of any offense that poses a threat to the safety or well-being of others for an interval of at

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1 least 10 consecutive years after my last conviction or  
2 release from incarceration, which ever occurs later; and

3 3. To be deemed not likely to pose a threat to the safety of  
4 others, as determined by a person professionally  
5 qualified to conduct psychosexual evaluations, if  
6 released from lifetime supervision.

7 4. A person who is released from lifetime supervision  
8 remains subject to the provisions for registration as a  
9 sex offender and to the provisions for community  
10 notification unless the person is otherwise relieved from  
11 the operation of those provisions.

12 I understand that if I plead guilty to two or more charges,  
13 the sentences may be served concurrently or consecutively, at the  
14 discretion of the judge who sentences me.

15 I have not been promised or guaranteed any particular sentence  
16 by anyone. I know that my sentence is to be determined by the  
17 Court within the limits prescribed by law. I understand that if my  
18 attorney, or the State, or both, recommends any particular  
19 sentence, the Court is not obligated to follow those  
20 recommendations.

21 I understand that the Division of Parole and Probation will  
22 conduct an investigation into, and prepare a report on, my  
23 background and other matters relevant to determining the  
24 appropriate sentence to be imposed. My attorney and I, as well as  
25 the District Attorney, unless he has otherwise agreed in this  
26 document to remain silent, will all have the opportunity to comment  
27 on the information contained in the report at the time of  
28 sentencing.



COLLATERAL CONSEQUENCE OF DEPORTATION

If you are not a citizen of the United States of America, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission to the United States of America, or denial of naturalization pursuant to the laws of the United States of America.

WAIVER OF RIGHTS

By entering my pleas of guilty, I understand that I am waiving and forever giving up the following rights and privileges:

1. The constitutional right against self-incrimination, including the right to choose whether to testify at trial, and the right to prohibit the prosecutor from commenting on my silence if I choose not to testify.

2. The constitutional right to a speedy, fair and public trial by an impartial jury; the constitutional right to be assisted at trial by an attorney, either retained by me, or appointed for me if I am indigent and cannot afford an attorney; the right to require the State to prove each element of the offense with which I am charged beyond a reasonable doubt; the constitutional right to confront and cross-examine my accusers, and the constitutional right to subpoena witnesses in by behalf.

3. The right to appeal, with the assistance of retained or appointed counsel, the conviction as well as any legal issues arising prior to entry of this guilty plea. By pleading guilty, I specifically waive my right to appeal any and all such issues.

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VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charges against me with my attorney and I understand the nature of those charges.

I understand that the State would have to prove each element of the charges against me at trial beyond a reasonable doubt.

I have discussed with my attorney any possible defenses, defense strategies, and circumstances which might be favorable to me.

All of the foregoing elements, consequences, rights and waiver of rights, have been thoroughly explained to me by my attorney. My attorney has answered all of my questions regarding this plea agreement and its consequences to my satisfaction.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am satisfied that my attorney is skilled in criminal defense and that I have been fully and fairly served by my attorney.

I am not now under the influence of any intoxicating liquor, controlled substance or other substance which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea. I am signing this agreement freely and voluntarily, after consultation with my

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1 attorney, and I am not acting under duress, coercion, or promises  
2 of leniency except as expressly set forth in this agreement.

3 DATED this 4<sup>th</sup> day of February, 2015.

4  
5 Devon R. Hockemier  
6 DEVON R. HOCKEMIER  
7 Defendant

8 DATED this 4<sup>th</sup> day of February, 2015.

9 Jonathan L. Schulman  
10 JONATHAN L. SCHULMAN  
11 Nevada Bar No. 9180  
12 Deputy District Attorney

13 CERTIFICATE OF COUNSEL

14 I, the undersigned, as the attorney for the Defendant named  
15 herein and as an officer of the court, hereby certify that:

16 1. I have fully explained to the Defendant the allegations  
17 contained in the charges to which guilty pleas are being entered.

18 2. I have advised the Defendant of the penalties for each  
19 charge and the restitution that the Defendant may be ordered to  
20 pay.

21 3. All pleas of guilty offered by the Defendant pursuant to  
22 this Agreement are consistent with the facts known to me and are  
23 made with my advice to the Defendant and are in the best interest  
24 of the Defendant.

25 4. To the best of my knowledge and belief, the Defendant:

26 a. Is competent and understands the charges and the  
27 consequences of pleading guilty as provided in this  
28 Agreement.

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- 1 b. Executed this Agreement and will enter all guilty  
2 pleas pursuant hereto voluntarily.  
3 c. Was not under the influence of intoxicating liquor,  
4 a controlled substance or other substance at the  
5 time of the execution of this Agreement.

6 DATED this 4 day of February, 2015.

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9 SHERBURNE M. MACFARLAN, III  
Nevada Bar No. 3999  
Attorney for Defendant

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IN THE FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,  
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 2/12/15

VS.

Case No.: CR-FP-14-0000635

Dept: 1

DEVON RAY HOCKEMIER,

Defendant.

State of Nevada represented by Jonathan Schulman, Esq.  
and Tanner Sharp, Esq.

Defendant present, in custody, and represented by  
Sherburne M. Macfarlane, Esq.  
Division of Parole and Probation represented by Anise Seopaul.  
Court Clerk, Faye Fleury, present.

CHANGE OF PLEA – GUILTY – PLEA AGREEMENT

The Court noted the presence of the parties.

The matter was before the Court for a change of plea arraignment on a Criminal Information filed on August 28, 2015. All parties indicated they were ready to proceed.

Defendant was sworn.

The Court noted that a Memorandum of Plea Agreement was filed on February 6, 2015.

A certified copy of the Criminal Information was previously presented to the Defendant and the formal reading was waived by the defense.

The Court read the charging portion of the Criminal Information.

The Court inquired if the victims and their family were aware and agreement to the plea deal?

The State advised it had spoken with the victims and family and they were in agreement.

The State cited the elements of the crimes and the potential penalties involved.

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(Exh #46)  
2 of 2

The Defendant understood the charges, was satisfied with the legal services rendered to date, understood that sentencing was wholly within the discretion of the Court and was ready to proceed.

The Court noted that a 7-page Memorandum of Plea Agreement with an attached Certificate of Counsel was filed on February 6, 2015. The Court canvassed the Defendant concerning execution of the document.

Defense counsel placed the terms of the Plea Agreement on the record. Both parties agreed to waive attachment of the Criminal Information. All parties concurred.

The Court reviewed the Defendant's Constitutional Rights and the Defendant waived the same.

The Court asked the Defendant to enter pleas to COUNT 2: LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE, A CATEGORY A FELONY AS DEFINED BY NRS 201.230. COUNT 14: LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE, A CATEGORY A FELONY AS DEFINED BY NRS 201.230. The Defendant entered pleas of guilty following the terms of the Plea Agreement.

The Defendant gave an explanation of how the crime occurred.

The Court found there was a factual basis for the Defendant's plea and canvassed the Defendant regarding the plea.

The Court stated its findings and accepted the Defendant's guilty plea based upon the Memorandum of Plea Agreement, Certificate of Counsel and statements made in open Court.

The Court **ORDERED** a Presentence Investigation Report be due on or before April 27, 2015. Counsel to contact court staff to set sentencing date. Trial date was vacated by the Court.

Court adjourned.

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FILED

1 CASE NO. CR-FP-14-0635

2 DEPT. NO. 1

2015 FEB 18 PM 2:31

ELKO CO DISTRICT COURT

CLERK \_\_\_\_\_ DEPUTY AK

6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 vs.

12 DEVON R. HOCKEMIER,  
13 Defendant,

AMENDED  
MEMORANDUM OF PLEA  
AGREEMENT

*Non-Probable*

15 I hereby agree to enter pleas of guilty to Counts 2 and 14 of  
16 the Criminal Information filed on August 28, 2014 wherein I am  
17 charged in each count with: LEWDNESS WITH A CHILD UNDER 14 YEARS OF  
18 AGE, A CATEGORY A FELONY AS DEFINED BY NRS 201.230.

19 My decision to plead guilty is based upon the plea agreement  
20 in this case in which the State has agreed to file a Criminal  
21 Information charging me with the above mentioned felonies. The  
22 District Attorney's Office agrees that it will file no further  
23 charges arising out of facts related to this incident, now known by  
24 the District Attorney's Office, and will dismiss the remaining  
25 Counts contained within the Criminal Information at the time of  
26 sentencing. At the time of sentencing, the parties will be free to  
27 argue for any sentence they deem appropriate, including whether the  
28 sentences should be run consecutively or concurrently.

Parent to NRS 201.230,  
this document, including any  
exhibits, does not contain the  
social security number of any  
person.

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CONSEQUENCES OF THE PLEA

I understand that as a consequence of my pleas of guilty, I will be imprisoned for a period of life with the possibility of parole after ten (10) years on each count, and I may be fined up to \$10,000 on each count. I understand that the law requires me to pay an administrative assessment fee, and that in some instances I may be required to pay other costs incurred by the State in this prosecution, such as drug analysis fees or costs of extradition.

I understand that I may be ordered to make restitution to any victim of the offenses to which I am pleading guilty and to the victim of any related offense which is being dismissed or not prosecuted as a result of this agreement, and that even though charges have been dismissed or not brought as a result of this agreement, they may still be considered by the judge in determining the appropriate sentence to be imposed in my case.

I understand that I AM NOT eligible for probation for the offenses to which I am pleading guilty. I also understand that pursuant to NRS 179D.097, I will be required to register as a sex offender. Further, pursuant to NRS 176.0931, I will be subject to lifetime supervision. I understand that in order to be released from lifetime supervision, I must:

1. Comply with the provisions of NRS 179D.010 to NRS 179D.550 (registration as a sex offender), inclusive;
2. Not be convicted of any offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after my last conviction or release from incarceration, which ever occurs later; and
3. To be deemed not likely to pose a threat to the safety of

1 others, as determined by a person professionally  
2 qualified to conduct psychosexual evaluations, if  
3 released from lifetime supervision.

4 4. A person who is released from lifetime supervision  
5 remains subject to the provisions for registration as a  
6 sex offender and to the provisions for community  
7 notification unless the person is otherwise relieved from  
8 the operation of those provisions.

9 I understand that if I plead guilty to two or more charges,  
10 the sentences may be served concurrently or consecutively, at the  
11 discretion of the judge who sentences me.

12 I have not been promised or guaranteed any particular sentence  
13 by anyone. I know that my sentence is to be determined by the  
14 Court within the limits prescribed by law. I understand that if my  
15 attorney, or the State, or both, recommends any particular  
16 sentence, the Court is not obligated to follow those  
17 recommendations.

18 I understand that the Division of Parole and Probation will  
19 conduct an investigation into, and prepare a report on, my  
20 background and other matters relevant to determining the  
21 appropriate sentence to be imposed. My attorney and I, as well as  
22 the District Attorney, unless he has otherwise agreed in this  
23 document to remain silent, will all have the opportunity to comment  
24 on the information contained in the report at the time of  
25 sentencing.

26 COLLATERAL CONSEQUENCE OF DEPORTATION

27 If you are not a citizen of the United States of America, you  
28 are hereby advised that conviction of the offense for which you

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1 have been charged may have the consequences of deportation,  
2 exclusion from admission to the United States of America, or denial  
3 of naturalization pursuant to the laws of the United States of  
4 America.

5  
6 WAIVER OF RIGHTS

7 By entering my pleas of guilty, I understand that I am waiving  
8 and forever giving up the following rights and privileges:

9 1. The constitutional right against self-incrimination,  
10 including the right to choose whether to testify at trial, and the  
11 right to prohibit the prosecutor from commenting on my silence if  
12 I choose not to testify.

13 2. The constitutional right to a speedy, fair and public  
14 trial by an impartial jury; the constitutional right to be assisted  
15 at trial by an attorney, either retained by me, or appointed for me  
16 if I am indigent and cannot afford an attorney; the right to  
17 require the State to prove each element of the offense with which  
18 I am charged beyond a reasonable doubt; the constitutional right to  
19 confront and cross-examine my accusers, and the constitutional  
20 right to subpoena witnesses in by behalf.

21 3. The right to appeal, with the assistance of retained or  
22 appointed counsel, the conviction as well as any legal issues  
23 arising prior to entry of this guilty plea. By pleading guilty, I  
24 specifically waive my right to appeal any and all such issues.

25 VOLUNTARINESS OF PLEA

26 I have discussed the elements of all of the original charges  
27 against me with my attorney and I understand the nature of those  
28 charges.

I understand that the State would have to prove each element

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1 of the charges against me at trial beyond a reasonable doubt.

2 I have discussed with my attorney any possible defenses,  
3 defense strategies, and circumstances which might be favorable to  
4 me.

5 All of the foregoing elements, consequences, rights and waiver  
6 of rights, have been thoroughly explained to me by my attorney. My  
7 attorney has answered all of my questions regarding this plea  
8 agreement and its consequences to my satisfaction.

9 I believe that pleading guilty and accepting this plea bargain  
10 is in my best interest, and that a trial would be contrary to my  
11 best interest.

12 I am satisfied that my attorney is skilled in criminal defense  
13 and that I have been fully and fairly served by my attorney.

14 I am not now under the influence of any intoxicating liquor,  
15 controlled substance or other substance which would in any manner  
16 impair my ability to comprehend or understand this agreement or the  
17 proceedings surrounding my entry of this plea. I am signing this  
18 agreement freely and voluntarily, after consultation with my  
19 attorney, and I am not acting under duress, coercion, or promises  
20 of leniency except as expressly set forth in this agreement.

21 DATED this 17<sup>th</sup> day of February, 2015.

22  
23 Devon Hockemier  
24 DEVON R. HOCKEMIER  
25 Defendant  
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DATED this 17<sup>th</sup> day of February, 2015.

JONATHAN L. SCHULMAN  
Nevada Bar No. 9180  
Deputy District Attorney

CERTIFICATE OF COUNSEL

I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court, hereby certify that:

1. I have fully explained to the Defendant the allegations contained in the charges to which guilty pleas are being entered.

2. I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay.

3. All pleas of guilty offered by the Defendant pursuant to this Agreement are consistent with the facts known to me and are made with my advice to the Defendant and are in the best interest of the Defendant.

4. To the best of my knowledge and belief, the Defendant:

a. Is competent and understands the charges and the consequences of pleading guilty as provided in this Agreement.

b. Executed this Agreement and will enter all guilty pleas pursuant hereto voluntarily.

c. Was not under the influence of intoxicating liquor, a controlled substance or other substance at the time of the execution of this Agreement.

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(Exh. # 47)  
7 of 7

DATED this 17 day of February, 2015.

[Signature]  
SHERBURNE M. MACFARLAN, III  
Nevada Bar No. 3999  
Attorney for Defendant

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(Exh. #48)  
1 of 2

IN THE FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,  
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: 3/16/15

Case No.: CR-FP-14-0000635

Dept: 1 – Elko County Jail

DEVON RAY HOCKEMIER,

Defendant.

State of Nevada represented by Jonathan Schulman, Esq.

Defendant present, in custody, and represented by

Sherburne MacFarlan III, Esq.

Division of Parole and Probation represented by Annis Seopaul.

Court Clerk, Michele Merkley, present.

ARRAIGNMENT – GUILTY – PLEA AGREEMENT

The Court noted the presence of the parties.

The matter was before the Court for a change of plea arraignment on a Criminal Information filed on August 28, 2015. All parties indicated they were ready to proceed.

The Court advised this was a second arraignment and the reason was that the parties came to the understanding that the Defendant was not eligible for probation as previously thought at the time of the first arraignment.

The Defendant was sworn.

The Court read the portion of the Criminal Information that the Defendant was pleading guilty to.

The State cited the elements of the crimes and the potential penalties involved.

The Defendant understood the charges, was satisfied with the legal services rendered to date, understood that sentencing was wholly within the discretion of the Court and was ready to proceed.

361

(Exh. #46)  
2 of 2

The Court noted that a 7 page Amended Memorandum of Plea Agreement with an attached Certificate of Counsel was filed on February 28, 2015. The Court canvassed the Defendant concerning execution of the document.

Defense counsel placed the terms of the Plea Agreement on the record. Both parties agreed to waive attachment of the Criminal Information. All parties concurred.

The Court reviewed the Defendant's Constitutional Rights and the Defendant waived the same.

The Court asked the Defendant to enter pleas to COUNT 2: LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE, A CATEGORY A FELONY AS DEFINED BY NRS 201.230. COUNT 14: LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE, A CATEGORY A FELONY AS DEFINED BY NRS 201.230.

The Defendant entered pleas of guilty following the terms of the Plea Agreement.

The Defendant gave an explanation of how the crime occurred.

The Court found there was a factual basis for the Defendant's plea and canvassed the Defendant regarding the plea.

The Court stated its findings and accepted the Defendant's guilty plea based upon the Memorandum of Plea Agreement, Certificate of Counsel and statements made in open Court.

The Court advised it had previously ordered a Presentence Investigation Report due on or before April 27, 2015. Sentencing will still be May 21, 2015 at 1:30 p.m.

Court adjourned.

(362)  
#0334

(Exh. #49)  
16f1

IN THE FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,  
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 2/12/15

VS.

Case No.: CR-FP-14-0000635

Dept: 1

DEVON RAY HOCKEMIER,

Defendant.

State of Nevada represented by Jonathan Schulman, Esq.  
and Tanner Sharp, Esq.

Defendant present, in custody, and represented by  
Sherburne M. Macfarlane, Esq.

REQUEST FOR PRE-SENTENCE INVESTIGATION

Report Due Date: April 27, 2015 ✓

Sentencing Date and Time: TBD — 5/21/15 @ 1:30 pm (2 hrs)

Conviction Date: February 12, 2015

CHARGES CONVICTED OF:

COUNT 2: LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE, A CATEGORY A  
FELONY AS DEFINED BY NRS 201.230.

COUNT 14: LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE, A CATEGORY A  
FELONY AS DEFINED BY NRS 201.230.

Conviction obtained by: GUILTY PLEA AGREEMENT

Defendant's custody status: In Custody

Faxed to the Division of Parole and Probation on February 13, 2015

CAROL FOSMO, Elko County Clerk, by: Faye Fleury, Court Clerk.

363

# 0225



(Exh. #50)  
1642

FILED

2015 FEB 18 PM 3:20

ELKO CO DISTRICT COURT

CLERK \_\_\_\_\_ DEPUTY \_\_\_\_\_ *B*

1 CASE NO. CR-FP-14-635

2 DEPT. NO. 1

6 IN THE FOURTH JUDICIAL DISTRICT COURT

7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

9 THE STATE OF NEVADA,

ORDER VACATING JURY TRIAL

10 Plaintiff,

11 V.

12 DEVON RAY HOCKEMIER,

13 Defendant.

14  
15 On February 6, 2015, this Court's Judicial Administrator received a file-stamped copy of a  
16 Memorandum of Plea Agreement in the above entitled case, and a change of plea was entered before this  
17 Court on February 12, 2015. Therefore, the jury trial which had been previously scheduled to commence  
18 on February 24, 2015, is VACATED.

19 SO ORDERED this 17 day of February, 2015.

21 *Nancy Porter*  
22 NANCY PORTER  
23 District Judge - Department 1

24  
25 (364)  
26

#0336

(Exh. # 50)  
2012

CERTIFICATE OF HAND DELIVERY

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 1, and that on this 18<sup>th</sup> day of February, 2015, I personally hand delivered a true file-stamped copy of the foregoing **ORDER VACATING JURY TRIAL** addressed to:

Mark D. Torvinen, Esq.  
Elko County District Attorney  
540 Court Street, 2<sup>nd</sup> Floor  
Elko, NV 89801  
{1 File Stamped Copy}  
[Box in Clerk's Office]

Sherburne M. Macfarlan, III, Esq.  
Lockie & Macfarlan, Ltd.  
919 Idaho Street  
Elko, NV 89801  
{1 File Stamped Copy}  
[Box in Clerk's Office]

Elko County Jury Commissioner  
C/O Elko County Clerk  
550 Court Street, Third Floor  
Elko, NV 89801  
{1 File Stamped Copy}  
[Box in Clerk's Office]

Kathy Anthony

365



State of Nevada  
DEPARTMENT OF PUBLIC SAFETY  
Division of Parole and Probation

(Exh. #51)  
1 of 1

PRESENTENCE INVESTIGATION REPORT QUESTIONNAIRE

Name: Devon Ray Hockemier

Criminal Case #: CR-FP-14-0635

Interview Date \_\_\_\_\_ Time: \_\_\_\_\_

Investigator: Annis Seopaul  
Address: 3920 E. Idaho Street  
Elko, NV 89801  
aseopaul@dps.state.nv.us

Sentence Date \_\_\_\_\_ Time: \_\_\_\_\_

Phone Number: 775-753-1305  
Fax Number: 775-753-1306

A Presentence Investigation has been ordered by the Court. Please complete this questionnaire **accurately** and **completely**. Deliberate falsehoods or misrepresentation will be reported to the Court.

\_\_\_\_ If you have plead guilty to a Gross Misdemeanor or Category E felony offense, an interview is not required. If this applies to you, submit the completed questionnaire to the Division of Parole and Probation at the address above or submit to a jail deputy **no more than 7 days from the date you entered your plea in Court.**

☒ If you have plead guilty to any other offense, an interview is required. **Please call the number above within 3 days, and ask to speak with the assigned Presentence Investigator to schedule an interview.** If you are in custody, an interview will be conducted at the jail. If you are released from custody before you are interviewed, contact the above listed investigator immediately.

At the time of your interview, please bring the following documents, if applicable:

☐ Driver's License/ID Card      ☐ Alien Registration Card      ☐ Armed Forces Papers (DD214)

Be prepared to pay the following fees to the Clerk of Court on the date of sentencing:

- \$25 Court and \$3 DNA Administrative Assessment Fee (all cases)
- \$3 DNA Administrative Assessment Fee, if applicable
- \$35 Domestic Battery or \$60 Chemical Analysis Fee, if applicable
- \$150 Genetic Marker Testing Fee (if your offense mandates DNA testing)

\*\*\*IF YOU ARE GRANTED PROBATION\*\*\*

- You will be required to pay \$30 per month in supervision fees, for the term of your probation.
- The first two months (\$60) **MUST** be paid within the first 30 days of your probation grant.
- Fees **MUST** be paid by money order or check - **NO CASH ACCEPTED.**
- Make payable to: "The Division of Parole and Probation" (Name & Social Security number must be printed **clearly** on the money order or check).

\*\*\*IF YOU INTEND TO RESIDE IN A STATE OTHER THAN NEVADA\*\*\*

- The first two (2) months fees (\$60.00) **MUST BE PAID IN ADVANCE,** before you leave.
- Once you have been **formally accepted** for supervision in the receiving state, you will no longer be required to pay Nevada supervision fees. However, you may be required to pay supervision fees to the receiving state in an amount determined by that state.
- No one will be allowed to leave Nevada until they have reporting instructions or are accepted by the receiving state. It may take two (2) business days or more to receive reporting instructions. If reporting instructions are denied, you must remain in Nevada until you are accepted for supervision by the receiving state. This process may take fifty (50) or more days, so plan accordingly.

**IMPORTANT: Children are not allowed inside any Parole and Probation office.**

**Keep this page. It contains important information.**

366

#1222



(Exh. 53)  
16f3

1 CASE NO. CR-FP-14-635  
2 DEPT. NO. 1

FILED

2015 MAY 21 AM 11:33  
ELKO CO DISTRICT COURT  
CLERK \_\_\_\_\_ DEPUTY         

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6 IN THE FOURTH JUDICIAL DISTRICT COURT  
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO  
8

9 THE STATE OF NEVADA,  
10 PLAINTIFF,  
11 V.  
12 DEVON RAY HOCKEMIER,  
13 DEFENDANT.  
14 \_\_\_\_\_/

MEDIA REQUEST

367

#0355

(Exh. 55)  
2 of 3

**Julie Thuemler**

---

**From:** Dylan Harris <DHarris@elkodaily.com>  
**Sent:** Wednesday, May 20, 2015 3:07 PM  
**To:** Julie Thuemler  
**Subject:** Photo request

I am formally requesting permission to take photographs at a sentencing hearing for Devon Hockemier scheduled 1:30 pm Thursday in Elko District Court Dept. 1

Thank you for your consideration.

Dylan Woolf Harris  
Sent from my iPhone

On May 15, 2015, at 9:47 AM, "Julie Thuemler" <jthuemler@elkocountynv.net<mailto:jthuemler@elkocountynv.net>> wrote:

<051815.docx>

368  
#0356

CERTIFICATE OF HAND DELIVERY

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court,  
Department 1, and that on this 21<sup>st</sup> day of May, 2015, I personally hand delivered a file stamped copy of  
the foregoing **MEDIA REQUEST** to:

Mark D. Torvinen, Esq.  
Elko County District Attorney  
540 Court Street, 2<sup>nd</sup> Floor  
Elko, NV 89801  
[Box in Clerk's Office]

Sherburne M. Macfarlan, III, Esq.  
Lockie & Macfarlan, Ltd.  
919 Idaho Street  
Elko, NV 89801  
[Box in Clerk's Office]

*Julie Louise Thorsen*

369



(Exh. # 54)  
1 of 3

FILED

1 CASE NO. CR-FP-14-635

2 DEPT. NO. 1

2015 MAY 21 AM 11:33

ELKO CO DISTRICT COURT

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6 IN THE FOURTH JUDICIAL DISTRICT COURT  
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO  
8

9 THE STATE OF NEVADA,

10 PLAINTIFF,

ORDER REGARDING  
MEDIA REQUEST

11 V.

12 DEVON RAY HOCKEMIER,

13 DEFENDANT.  
14 \_\_\_\_\_ /

15 This Court is in receipt of a Media Request submitted by the Elko Daily Free Press on May 20, 2015,  
16 regarding the sentencing of Defendant, which is to be held on May 21, 2015.

17 Pursuant to S.C.R. 230, this Court shall grant access to all portions of trial which are available to the  
18 public. This Court, under S.C.R. 230(2), will not permit any photograph or video to be taken of any victim  
19 in this matter without the victim's express permission. Media are restricted from all instantaneous broadcast  
20 of court proceedings, e.g. "streaming," "blogging," "live broadcast," or any form of social media.

21 Furthermore, according to S.C.R. 238(2):

22 News reporters will not deliberately photograph the jury or individual jurors.  
23 However, it is recognized that, because of the physical layout of some  
24 courtrooms and the general trial activity in any courtroom, it may be  
25 impossible not to photograph some jurors as part of the proceedings. To the  
26 extent possible, news reporters shall locate and focus their equipment in such  
a manner as to minimize photographs of the jury. . . . News reporters shall not  
deliberately photograph the jury or individual jurors during the pendency of  
the proceeding. News reporters or news organizations who violate this  
provision may be excluded from further participation in electronic news  
coverage authorized in these rules.

370

# 0358

(Exh. #54)  
2013

1 (See also S.C.R. 229 to S.C.R. 246).

2 Therefore, IT IS HEREBY ORDERED that the Elko Daily Free Press' Media Request is GRANTED.

3 SO ORDERED this 21 day of May, 2015.

4   
5 NANCY PORTER  
6 DISTRICT JUDGE - DEPT. 1  
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371


#0359

CERTIFICATE OF HAND DELIVERY

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 1, and that on this 21<sup>st</sup> day of May, 2015, I personally hand delivered a file stamped copy of the foregoing **ORDER REGARDING MEDIA REQUEST** to:

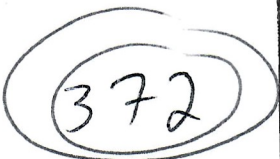
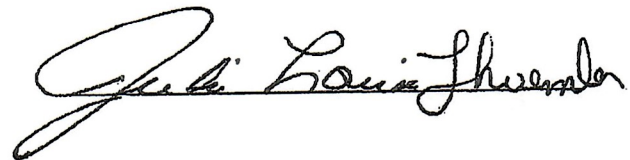
Mark D. Torvinen, Esq.  
Elko County District Attorney  
540 Court Street, 2<sup>nd</sup> Floor  
Elko, NV 89801  
[Box in Clerk's Office]

Sherburne M. Macfarlan, III, Esq.  
Lockie & Macfarlan, Ltd.  
919 Idaho Street  
Elko, NV 89801  
[Box in Clerk's Office]

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Fourth Judicial District Court, Department 1, and that on this 21<sup>st</sup> day of May, 2015, I deposited for mailing in the U.S. mail at Elko, Nevada, postage prepaid, a copy of the foregoing **ORDER REGARDING MEDIA REQUEST** to:

Elko Daily Free Press  
3720 Idaho Street  
Elko, Nevada 89801



#0360



IN THE FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,  
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: 5/21/15

Case No.: CR-FP-14-0000635

Dept: 1

DEVON RAY HOCKEMIER,

Defendant.

State of Nevada represented by Jonathan Schulman, Esq.  
and Tanner Sharp, Esq.

Defendant present, in custody, and represented by  
Sherburne M. MacFarlan III, Esq.

Division of Parole and Probation represented by Annis Seopaul.  
Court Clerk, Faye Fleury, present.

SENTENCING HEARING

The Court noted the presence of the parties.

The Court noted that the Defendant last appeared in Court on March 16, 2015 and entered a plea of guilty to COUNT 2: LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE, A CATEGORY A FELONY AS DEFINED BY NRS 201.230. COUNT 14: LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE, A CATEGORY A FELONY AS DEFINED BY NRS 201.230.

The matter was before the Court for the entry of judgment and the imposition of sentence. All parties indicated they were ready to proceed.

The Defendant advised the Court that he had received the Presentence Investigation Report, reviewed the same with counsel and understood the recommendations contained therein.

Defense counsel made corrections to the psychosexual evaluation that was attached to the report.

Neither the State nor the Division made corrections to the report.

373

#0361

The State advised it had witnesses to testify in this matter.

Hydie Overholser was sworn and examined on direct by Mr. Sharp. No cross examination by the Defense. Witness excused.

Charles Bridge was sworn and examined on direct by Mr. Sharp. No cross examination by the Defense. Witness excused.

The State offered Plaintiffs exhibit, Defendant Interview - Audio, for admission. There being no objection the Court **ORDERED** Plaintiffs Exhibit 1, be admitted.

The State further requested the Court play the audio recording for the Court.

Plaintiffs Exhibit 1, Audio Interview, was played for the Court.

The State presented its position for sentencing.

Defense counsel presented a recommendation on behalf of the Defendant.

The Court advised the Defendant of his right to make a statement on his own behalf.

The Defendant did address the Court.

The matter being submitted;

The Court **ORDERED** a Judgment of Conviction be entered against the Defendant finding the Defendant guilty of COUNT 2: LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE, A CATEGORY A FELONY AS DEFINED BY NRS 201.230. COUNT 14: LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE, A CATEGORY A FELONY AS DEFINED BY NRS 201.230.

The Court **FURTHER ORDERED** the Defendant to pay a \$25.00 administrative assessment fee, a \$150.00 genetic testing fee and submit to test to determine his genetic markers and be sentenced for Count 2 to serve a maximum term of life Nevada Department of Corrections with minimum parole eligibility after 10 years and for Count 14 to serve a maximum term of life in the Nevada Department of Corrections with minimum parole eligibility after 10 years. The sentences are to be served consecutively.

The Court **FURTHER ORDERED** the Defendant to pay the cost of the psychosexual evaluation in the amount of \$855.00.

The Court advised the Defendant regarding the requirements of sex offenders and the Defendant read and signed the Notification of Registration Requirements.

Court adjourned.

374

Exh.#55

3013

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375  
#0363



(Exh #55A)  
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ELKO DISTRICT COURT  
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IN THE FOURTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO,  
BEFORE THE HONORABLE NANCY PORTER, DISTRICT JUDGE

-oOo-

STATE OF NEVADA,

Plaintiff,

Case No. CR-FP-14-0000635

V.

Dept. No. 1

DEVON RAY HOCKEMIER,

Defendant.

 **COPY**

Rough Draft  
Transcript of Proceedings  
Sentencing Hearing  
Thursday, May 21, 2015  
Elko, Nevada

Transcribed By: Julie Rowan - (775) 745-2327

(376)

A P P E A R A N C E S

For the Plaintiff: Jonathan Schulman, Esq.  
Tanner Sharp, Esq.  
Elko County District Attorney's  
Office  
540 Court Street, 2nd Floor  
Elko, NV 89801

For the Defendant: Sherburne M. MacFarlan, III, Esq.  
Lockie & MacFarlan, Ltd.  
919 Idaho Street  
Elko, NV 89801

Division of Parole Annis Seopaul  
and Probation:

-oOo-

377

1 THE COURT: Case No. CR-FP-14-635, the State  
2 of Nevada versus Devon Ray Hockemier. The Defendant is  
3 in court in custody represented by Mr. MacFarlan.  
4 Mr. Schulman and Mr. Sharp are here on behalf of the  
5 State, and Ms. Seopaul from Parole and Probation.

6 The Defendant has plead guilty to Count 2,  
7 lewdness with a child under 14 years of age, a category  
8 A felony, and Count 14, lewdness with a child under 14  
9 years of age, a category A felony. This is the time set  
10 for entry of judgment and the imposition of sentence.

11 Are the parties ready to proceed?

12 MR. SCHULMAN: The State is.

13 MR. MACFARLAN: We are, Judge.

14 THE COURT: All right. The Court has a  
15 presentence report. Mr. Hockemier, have you had a  
16 chance to review the presentence report?

17 THE DEFENDANT: Yes, I have, Your Honor.

18 THE COURT: The sentencing recommendation is  
19 that you be sentenced to 10 years to life on each count  
20 with those counts to run concurrently.

21 Do you understand that?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: Mr. MacFarlan, did you see any  
24 errors or omissions in the presentence report?

25 MR. MACFARLAN: Not in the presentence

(378)



1 report, Judge, but there's a couple of corrections that  
2 we'd like to point out in the psychosexual evaluation,  
3 which is attached to the presentence report.

4 THE COURT: All right.

5 MR. MACFARLAN: If you look at page 1, it  
6 would be the second paragraph under the offense  
7 information, it says -- it begins on the third line,  
8 "The boy who was the subject of the case exposed himself  
9 to children on the playground." That is not what  
10 occurred in this particular case, Judge. Basically, the  
11 boy was seen playing inappropriate at or near his  
12 residence, but I --

13 THE COURT: That was my understanding. Is  
14 that your understanding, Mr. Schulman?

15 MR. SCHULMAN: It was at -- close to his  
16 residence, or actually, I think it was the other boy's  
17 residence, but yes, it was not at a playground.

18 THE COURT: It was at a playground?

19 MR. SCHULMAN: It was not at a playground,  
20 no.

21 THE COURT: Okay. I'm striking that sentence  
22 and writing it to say that the boy was behaving  
23 inappropriately with another child.

24 Does that work for you, Mr. Schulman?

25 MR. SCHULMAN: That's fine.

379

1 THE COURT: What else, Mr. MacFarlan?

2 MR. MACFARLAN: Page 2 of the report, the  
3 first sentence under social background indicates Devon  
4 is the younger of two children and has one older sister.  
5 It's actually Devon is the younger of three children,  
6 and he has two older half-sisters.

7 THE COURT: Anything else?

8 MR. MACFARLAN: Page 4, first paragraph,  
9 Mr. -- this pertains to supposedly having sexual  
10 intercourse with a woman. Mr. Hockemier has informed me  
11 that he's never had sexual intercourse with a woman at  
12 any age.

13 THE COURT: You didn't tell Mr. Hansen that?

14 THE DEFENDANT: No, I didn't, Your Honor.

15 THE COURT: Is it in the first full  
16 paragraph?

17 MR. MACFARLAN: It is, Your Honor. It's the  
18 second sentence, "He did have sexual intercourse with an  
19 18-year-old female at age 17."

20 THE COURT: All right. What I'm going to  
21 write there is that the Defendant denies having told the  
22 evaluator this.

23 MR. MACFARLAN: That's fine, Judge.

24 THE COURT: Anything else?

25 MR. MACFARLAN: The second paragraph on that

(380)

1 page, Judge. This has to do with the last sentence  
2 regarding other sexually-related behaviors.

3 THE COURT: Uh-huh.

4 MR. MACFARLAN: Mr. Hockemier denies saying  
5 that he had ever engaged in obscene phone calls.

6 THE COURT: I'm going to write the same thing  
7 there, that he denies having told the evaluator that.

8 MR. MACFARLAN: That's fine, Judge. And he  
9 also denies frotteurism.

10 THE COURT: Okay. Anything else?

11 MR. MACFARLAN: The last page, Judge, second  
12 paragraph, it's the same issue that we had regarding the  
13 victim acting out on the playground.

14 THE COURT: The last page?

15 MR. MACFARLAN: Last -- excuse me, it's  
16 page 6, Judge, second paragraph, four lines up from the  
17 bottom of that paragraph.

18 THE COURT: I see it. I'll just strike out  
19 on the playground.

20 Is that it?

21 MR. MACFARLAN: That's it, Judge.

22 THE COURT: Mr. Hockemier, did you see any  
23 errors or omissions in the report, the presentence  
24 report or the psychosexual evaluation, that  
25 Mr. MacFarlan did not mention?

381



1 THE DEFENDANT: None other issues other than  
2 what he said.

3 THE COURT: Okay, thank you.

4 Mr. Schulman, did you see any errors or  
5 omissions?

6 MR. SCHULMAN: Nothing.

7 THE COURT: Ms. Seopaul, do you have anything  
8 to add?

9 MS. SEOPAUL: No, Your Honor.

10 THE COURT: Okay. I understand,  
11 Mr. Schulman, that we have some witnesses?

12 MR. SCHULMAN: We do.

13 THE COURT: Okay. Mr. MacFarlan, are you  
14 going to have any witnesses?

15 MR. MACFARLAN: No, Your Honor.

16 THE COURT: Okay. Mr. Schulman, would you  
17 like to call your first witness. Is that you,  
18 Mr. Sharp?

19 MR. SHARP: Yes, Your Honor, thank you. The  
20 State will call Mrs. Hydie Overhooser.

21 THE COURT: Come forward, please.

22 THE CLERK: Do you solemnly swear the  
23 testimony you're about to give in this matter is the  
24 truth, the whole truth, and nothing but the truth, so  
25 help you God?

382

1 MS. OVERHOOSER: Yes, ma'am.

2 THE COURT: Please state your name and spell  
3 your first and last names.

4 THE WITNESS: Hydrie Overhooser; H-Y-D-I-E,  
5 O-V-E-R-H-O-O-S-E-R.

6 THE COURT: Thank you. Go ahead, Mr. Sharp.

7 MR. SHARP: Thank you, Your Honor.

8 HYDRIE OVERHOOSER

9 (Sworn as a witness, testified as follows)

10 DIRECT EXAMINATION

11 BY MR. SHARP:

12 Q. Ms. Overhooser, you are aware of the purpose of this  
13 hearing, correct?

14 A. Yes, sir.

15 Q. Okay. How are you related to O.M.?

16 A. He's my son.

17 Q. Okay. And how are you related to S.B.?

18 A. He's my stepson.

19 Q. Okay. And both of those boys are the victims in  
20 this case; is that correct?

21 A. Yes, sir.

22 Q. Okay. How old is O.M.?

23 A. He just turned 11.

24 Q. Okay. And what is his date of birth?

25 A. 04/26/04.

383

1 Q. Okay. And how old is S.B.?

2 A. Fifteen and a half.

3 Q. And what is his date of birth?

4 A. 07/17/99.

5 Q. Okay. Can you please describe for the Court the  
6 effect that the actions of the Defendant had upon these  
7 two boys that you have observed.

8 A. I'm going to start with my stepson, S.B. He has  
9 some anger issues. We cannot even get him dressed. He  
10 closes down. He can't even talk about it. It's of  
11 rage. He's a teenager so there's not much really that  
12 you can do. He's been over to counseling. He just  
13 wants to bury it all.

14 He didn't want to come to sentencing. He just wants  
15 to forget that it ever happened. He hasn't really  
16 elaborated much on it. But the effects I've seen with  
17 my child's anger and having to deal with this is  
18 affecting him on the inside, and I can see that from  
19 being a mom. I can only do so much to offer him help.

20 And my son, O.M., Devon used to work at the movie  
21 house. Every time we talk about going to the movie, my  
22 kids don't -- my little one doesn't want to go to the  
23 movie. He's afraid that he's going to have to see  
24 Devon. There's certain places around town. He asks me  
25 every day when we got to go back to court. He doesn't

384



1 ever want to see him again.

2 He's went through some of his own issues, you know,  
3 acting out, I guess was a sign for help. He's in deep  
4 therapeutic counseling with Tracy Simpson. They don't  
5 speak too much to me because I'm their mom, but I see  
6 the hurt behind the rage in my teenager, and I see the  
7 hurt in my little boy, just all in all in life when this  
8 whole matter comes up.

9 And it affects them all-around. I can't even begin  
10 to describe it. I can see it more than they allow, you  
11 know, allow me to see it. My teenager just tries to  
12 keep everything in. Every now and, you know, again he  
13 breaks out, and my little one just -- he's just  
14 terrified of everything, so.

15 I don't know what the future holds. Hopefully, with  
16 the counseling and stuff that my little one has, he'll  
17 be able to work through this and move forward, and  
18 hopefully, at some point, that my teenager gets over the  
19 little teenage thing and, you know, chooses to deal with  
20 this, you know, so it doesn't affect him in the long  
21 haul.

22 And that's why I'm asking that you give him  
23 consecutive sentence out, one for each of my child. And  
24 that's all that I have to say pretty much.

25 MR. SHARP: Thank you, Your Honor, I have no

385

1 further questions.

2 THE COURT: Mr. MacFarlan, do you have any  
3 questions?

4 MR. MACFARLAN: No questions, Judge.

5 THE COURT: Thank you, Ms. Overhooser, you  
6 may step down.

7 MS. OVERHOOSER: Thank you.

8 THE COURT: Your next witness, Mr. Sharp.

9 MR. SHARP: The State will call Charles  
10 Bridge.

11 THE CLERK: Do you solemnly swear the  
12 testimony you're about to give in this matter is the  
13 truth, the whole truth, and nothing but the truth, so  
14 help you God?

15 MR. BRIDGE: Yes, I do.

16 THE COURT: Please state your name and spell  
17 your last name.

18 THE WITNESS: My name is Charles Bridge,  
19 B-R-I-D-G-E.

20 THE COURT: Thank you. Go ahead, Mr. Sharp.

21 MR. SHARP: Thank you, Your Honor.

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386

CHARLES BRIDGE

(Sworn as a witness, testified as follows)

DIRECT EXAMINATION

BY MR. SHARP:

Q. Mr. Bridge, you are O.M.'s stepfather; is that correct?

A. Yes.

Q. And you are S.B.'s father?

A. Yes, sir.

Q. Can you describe for the Court the impact that you have seen in the lives of your children due to the actions of Mr. Hockemier.

A. She covered it pretty good all except for the -- my 15-year-old, he's only mentioned one thing to me, and it's -- he says it's -- his decision-making is messed up from it. And O'Ryan, he can't even hear the name Devon or Pam. He turns white as a ghost and tears start rolling down his face. Other than that, she pretty much covered, you know.

Q. And how has this impacted your family as a whole?

A. It's not really talked about. They don't like it when it's brought up. They, you know -- I've tried to talk to them about it. It just -- it's -- it don't get brought up basically, I mean, you know.

Q. And what would you like to see happen in this case?

(387)



1 A. Oh, in my opinion, I think he's already got a big  
2 enough break going from 26 charges down to two. I would  
3 like to see them ran back-to-back, one for each of my  
4 kids. I think they deserve that.

5 MR. SHARP: Thank you, Your Honor, I have no  
6 further questions at this time.

7 THE COURT: Questions, Mr. MacFarlan?

8 MR. MACFARLAN: No, Your Honor.

9 THE COURT: Thank you, Mr. Bridge, you may  
10 step down.

11 MR. SCHULMAN: Your Honor, at this time, we  
12 actually had a CD marked as Exhibit No. 1. I'd like to  
13 introduce that into evidence and play one of the  
14 interviews.

15 THE COURT: And play what?

16 MR. SCHULMAN: One of the interviews, the  
17 interview that Mr. Hockemier gave to Detective Hessing.

18 THE COURT: Any objection, Mr. MacFarlan?

19 MR. MACFARLAN: No, that's fine, Judge.

20 THE COURT: Exhibit 1 will be admitted.

21 (Whereupon, Plaintiff's Exhibit 1 admitted)

22 (Whereupon, Exhibit 1 was played in open  
23 court)

24 MR. SCHULMAN: We've now heard from two  
25 witnesses, the parents and the stepparents of O.M. and

1 S.B., as well as we heard from the Defendant's interview  
2 with Detective Hessing. It's no surprise the State is  
3 seeking to have these two counts run consecutively,  
4 based on the fact that we have two young boys here who  
5 now have some serious issues.

6 The younger boy is having -- is acting out  
7 inappropriately and needs to have counseling. The older  
8 boy has -- is now shutting down, as we've heard, is  
9 having some issues, and he's going to need counseling.  
10 This is going to affect them for the rest of their  
11 lives. And we have two victims here. They're just as  
12 important as each other, and Mr. Hockemier should be  
13 sentenced consecutively, one for each child.

14 I was going through his PSI, and I'm just  
15 reading his statement. He said, "I was in a dark place,  
16 and it was a confusing time in my life." Mr. Hockemier  
17 was a teenager, but every teenager in their life gets --  
18 gets confused and is in a dark place. They don't go do  
19 this to other people. They find other ways. They get  
20 counseling. They have other ways of getting over their  
21 confusing time.

22 Going on in the statement, he says he feels  
23 he messed up his entire life. He's absolutely right.  
24 What he also didn't say is he also messed up these two  
25 young boys' lives. They have to go live with this for

(389)

1 the rest of their life. He now -- he says he knows what  
2 he did was wrong. You heard from the interview he knew  
3 it was wrong. He did it anyway. He didn't seem to  
4 care.

5 He also seemed to know he never got any help  
6 for his problem. He also later on wrote that he's  
7 become a great addition to society. I don't know what  
8 world he's living in, but he should not be in society.  
9 We've got two young boys who he's damaged. There could  
10 be other people out there that he's done the same thing  
11 to. He is not a great addition to society, and unlike  
12 what he said, he is a threat to other people.

13 Then reading through the psychosexual  
14 evaluation, on page 4 he discusses what he did to O.M.,  
15 and he tells him at the end what he was doing, and then  
16 Mr. Hockemier told O.M. he couldn't tell anybody. He  
17 couldn't tell anybody because he knew what he was doing  
18 was wrong.

19 Further on, his test result -- just reading  
20 on page 6 of the evaluation, test results indicate that  
21 Devon can be needy in the area of social approval. He  
22 may gravitate towards individuals less powerful than  
23 himself, as in children -- it starts with the second  
24 paragraph on page 6 -- as in the case of these two  
25 children, these two victims.

390



1 He's had a warped perception of his offense,  
2 that he actually believed the victims liked what he was  
3 doing to them. We heard that -- here he said the older  
4 child seemed to have gotten into it a little bit. The  
5 evaluator believes that based on his perceptions, he  
6 will -- it will set him up for future victimization if  
7 nothing has happened -- no help, he doesn't get any  
8 additional help.

9 The evaluator doesn't believe he's being  
10 truthful about his likes and dislikes when it comes to  
11 his behavior. He obviously -- he's going to present  
12 himself very positively to everybody, and he does come  
13 off as an intelligent individual. That's scary -- a  
14 scary thing.

15 The evaluator came up with certain reasons  
16 why he believes he's a moderate offender -- or is to  
17 re-offend. I would think he would be actually a higher  
18 risk based on what he's saying. He's saying he's not  
19 convinced that he's been -- that there's no other  
20 victims. The evaluator was also not -- also believes  
21 that since the Defendant did not seek any additional  
22 help, and he had many years of doing so, he may still  
23 re-offend.

24 And finally, he actually coerced one of his  
25 victims asking the child, "Do you want to do something

(391)

1 fun?" Anybody who's been around kids knows if you ask a  
2 child do you want to do something fun, the answer you're  
3 always going to get is yes, and that's exactly what  
4 happened.

5 He also believes his victims liked this  
6 behavior -- what he was doing to them, which is  
7 obviously not true in this case. You've got one who's  
8 now acting out, and the other one has some serious  
9 problems as well. We've got two victims. They should  
10 be treated equally. Each count should run  
11 consecutively.

12 Thank you.

13 THE COURT: Mr. MacFarlan.

14 MR. MACFARLAN: Judge, these cases are  
15 incredibly difficult, and what I would suggest is  
16 they're difficult to prosecute, they're difficult to  
17 defend, and I presume, although I've never been a Judge,  
18 I presume they're very difficult to preside over as the  
19 person who has to decide an individual's fate.

20 And what we're really talking about here,  
21 Judge, is what is justice in this particular case. And  
22 I'm not just talking about justice for my client, the  
23 young man who is sitting to my right, but we're also  
24 talking about what is justice for the victims, and what  
25 is justice for society as a whole.

(392)