

1 to argue that Mr. MacFarlan did not make reasonable efforts to dispel the "suspicious" timing
2 of the discovery of Petitioner's identity.

3 This first IAC challenge fails to meet both prongs of the Strickland test. First, the
4 record shows that Mr. MacFarlan did make reasonable efforts to challenge jurisdiction in this
5 case by filing the Contingent Motion to Transfer Case to Juvenile Court. Clearly Mr.
6 MacFarlan was conscious of this issue and appropriately litigated it. Further, the Elko Justice
7 Court Full Case History shows that Mr. MacFarlan DID investigate this issue as he secured,
8 via ex-parte motion a private investigator. Likewise, Mr. MacFarlan ensured that a hearing
9 was held on the motion and the officer who provided the timing of discovery of Petitioner's
10 identity was cross-examined. Ultimately, after hearing the testimony and considering the
11 motions and argument the justice court ruled it retained jurisdiction of the case.
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14 Petitioner inaccurately speculates that Mr. MacFarlan merely needed to establish that
15 "someone" in law enforcement learned Petitioner's identity two days earlier jurisdiction could
16 not have been established. Such a position runs counter to the facts themselves which show
17 that Detective Hessing was the law enforcement officer who was pursuing the identity of the
18 Petitioner. Detective Hessing was thus the person who needed to tie the disclosures of OM
19 to a specific individual.
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21 Further, there is nothing in the facts to suggest that Hessing had motive to or in any
22 way delayed his attempts to identify Petitioner. Instead, Hessing immediately reached out to
23 the mother of OM the first victim, the same day OM disclosed the abuse. Further, since the
24 victim's disclosure made clear that the acts had occurred years prior and led Hessing to
25 believe that Petitioner was approximately 18 at the time the abuse occurred, Hessing had no
26 reasonable basis to expedite the investigation. Clearly the victim was no longer in harm's
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Elizabeth A. Brown
Clerk of Supreme Court

535

1 way and it initially appeared that Petitioner was already above the age of majority when the
2 abuse occurred.

3 Such facts were, no doubt, established at the hearing held on Mr. MacFarlan's motion.
4 Considering all these facts, not just about Hessing but also the additional efforts made by Mr.
5 MacFarlan, Petitioner has failed to establish how counsel's efforts fell below an objective
6 standard of reasonableness. Petitioner cites no actual facts that evidence substandard
7 efforts on the part of Mr. MacFarlan. Without facts to the contrary, the Court is obliged to
8 presume Mr. MacFarlan's performance was adequate. Strickland v. Washington, 466 U.S.
9 668, 689-690 (1984).
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11 As to a showing of a reasonable probability that but for counsel's errors the result of
12 the proceeding would have been different, Petitioner does no more than speculate that
13 perhaps there exists evidence that his identity was discovered before he turned 21. He
14 never makes a cogent argument that the State would have been unable to otherwise
15 establish jurisdiction. Petitioner bears the burden to establish such and has failed to do so.
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18 **2. Performance at the Preliminary Hearing**

19 Petitioner complains that Mr. MacFarlan should have done more at the preliminary
20 hearing to challenge the State's evidence. Specifically that counsel should have challenged
21 the kidnaping charges and the "excessive number of unfounded charges." Such a contention
22 is without merit. The preliminary hear reveals that Mr. MacFarlan challenged either by
23 objection or cross-examination, the testimony of every one of the State's witnesses. Further,
24 that after hearing all this evidence Mr. MacFarlan challenged multiple counts, asking the
25 justice court to not bind over as many as six different counts. PHT p. 74-76. He successfully
26 convinced the justice court to not bind over on three of the counts.
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1 Counsel is required to provide objectively reasonable representation he is not required
2 to make every possible challenge to the State's evidence. Here, Counsel clearly meets an
3 objective standard of reasonable representation. It is strongly presumed that his decisions
4 and actions at the preliminary hearing were adequate. Petitioner simply opines that there was
5 an insufficient amount of evidence to bind over the kidnaping charges and the "excessive
6 number" of other charges also bound over. Petitioner must do more to overcome this
7 presumption than simply opine on the evidence presented. Petitioner must point to facts in
8 the record that show some deficiency in performance. None is provided.
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10 Further, the low evidentiary standard in a preliminary hearing makes it difficult to prove
11 that but for the alleged errors the result would have been different. On the contrary, it is clear
12 from the record that Mr. MacFarlan carefully considered the evidence presented at the
13 preliminary hearing and as a result chose not to engage in challenges to the evidence that
14 his training and experience informed him would be futile if not frivolous.
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17 **3. Decision to not Challenge Binding over of the Kidnapping**
18 **Charges.**

19 Petitioner attempts to argue that Mr. MacFarlan was deficient in his performance
20 because he chose not to file a petition for a Writ of Habeas challenging the kidnapping
21 charges and "multiplicious charged counts". This contention fails to articulate how Mr.
22 MacFarlan's decision was in error let alone a serious error that would have fallen below an
23 objective standard of reasonableness. Petitioner could not point to any portion of the
24 preliminary hearing transcript that gives a basis for such a petition. Rather he instead makes
25 a bare conclusory claim unsupported by the record.
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1 Petitioner must do more than simply allege that a petition for a writ challenging the
2 Information should have been filed. He must also present some evidence that such a petition
3 would have had a reasonable probability of changing the outcome of the proceedings.
4 Petitioner merely speculates that had such a motion been filed it would have affected the
5 Court's view of the Petitioner at sentencing. This makes little sense considering neither
6 kidnapping charge was plead to and Petitioner's admissions to sexually assaulting both
7 victims. There is no argument presented as to the viability of such a petition and given Mr.
8 MacFarlan's efforts before and during the preliminary hearing, he was clearly making a
9 diligent effort to evaluate and execute any viable challenge to the State's case.
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12 **4. Performance at Sentencing**

13 Petitioner alleges several errors surrounding sentencing. Petitioner alleges that he
14 was inaccurately advised that the Court would more than likely run the sentences
15 concurrently. Such advice was in fact reasonable as borne out by the PSI which
16 recommended the counts run concurrently. Petitioner fails to show how such a cautious
17 prediction fell below and objective standard of reasonableness. Further, Petitioner does not
18 articulate how, but for this advice, the outcome would have been different. On the contrary,
19 the record shows that but for this plea agreement, Petitioner faced 35 to life if found guilty of
20 only one of the charges he admitted to committing.
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23 Petitioner next alleges that at sentencing Mr. MacFarlan failed to clearly establish that
24 Petitioner was 16 turning 17 when he committed the offenses. First, the Court and parties
25 had before them Petitioner's date of birth, November 24, 1992, as disclosed in the PSI.
26 Second, Mr. MacFarlan did the best he could to represent Petitioner's age without
27 contradicting his own client. When interviewed by Detective Hessing, Petitioner represented
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538

1 his age as being between 17 and 18 years old. Thus Mr. MacFarlan repeatedly pointed out
2 that Petitioner was 17 years old. The lowest age he could argue to the Court without running
3 against his client's own admissions. Interestingly enough, Petitioner did not correct Mr.
4 MacFarlan at the sentencing hearing even though he spoke immediately after Mr. MacFarlan.
5 Further, there is no evidence that a reasonable probability exists that arguing Petitioner's age
6 was 16 turning 17 would have changed the results of the proceedings.
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8 Along this same vein, Petitioner argues that counsel should have presented more
9 mitigating evidence in the form of character witnesses such as his mother, siblings, friends,
10 and/or employers. Such a claim lacks any evidence which overcomes the strong
11 presumption that counsel's representation was adequate. Petitioner makes this claim without
12 citing to a single fact that would have been presented to this Court but was not. Petitioner
13 had confessed to committing several counts of sex assault on two different children under the
14 age of 14. The psychosexual evaluator voiced concern that Petitioner would reoffend. The
15 Court heard the testimony of the parents of the victims which included the long lasting effects
16 Petitioner's actions had had on the victims. Consequently, even if considered a serious
17 error, there is no evidence that such mitigating evidence would have resulted in a different
18 outcome.
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21 **5. Performance on Direct Appeal**

22 Petitioner's attack of Mr. MacFarlan's performance on appeal is without merit.
23 Petitioner alleges that Mr. MacFarlan should have alleged prosecutorial misconduct.
24 However Petitioner defines prosecutorial misconduct as occurring when the State allegedly
25 requested additional interviews of the victims and charged multiple "unfounded" charges.
26 Having victims interviewed again shows no misconduct on the part of the prosecution.
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1 Petitioner seems to argue that such was done to encourage the fabrication of additional acts
2 committed against the victims. On the contrary, Petitioner admitted to doing more than the
3 victim's were willing to disclose. For example, SB never disclosed that Petitioner had SB
4 perform oral sex on Petitioner several times. Also, had such additional counts been
5 "unfounded" they would not have been bound over at the preliminary hearing. Thus there
6 existed no basis for raising such a claim in the appeal. Petitioner also presents no evidence
7 to show that such an argument would have affected the outcome of said appeal.
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9 Petitioner also alleges that Mr. MacFarlan failed to point out that this Court harbored
10 bias and was not impartial. The only support for this argument appears to be the
11 recommendation of the PSI to run the sentences concurrent. Such an argument fails to
12 overcome the string presumption that Mr. MacFarlan rendered adequate assistance. In fact,
13 the opening brief does point out that the Court's sentencing was at odds with the PSI
14 recommendation. With no other evidence of a harbored bias or lack of impartiality, none is
15 made. Further, given that this Court's sentencing decision was well within the statutory
16 range and its rational was carefully laid out in the record, Petitioner fails to show that had Mr.
17 MacFarlan made such an argument it would have affect the outcome of the appeal.
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III.

CONCLUSION

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TYLER J. INGRAM

Elko County District Attorney's Office

~~JEFFREY C. SLADE~~

Deputy District Attorney

State Bar Number: 13249

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Page 18 of 19

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By delivery to:

By mailing to:

Tessa Deml
TESSA DEML
CASEWORKER

DA# HC-17-01061

Page 19 of 19

Exhibit 1

STATE OF NEVADA

VS.

Devon Ray Hockemier

544

Unsworn Declaration In Support Of Complaint
Pursuant to NRS 53.045

Comes now DETECTIVE ZACHARY HESSING, who declares the following to the above-entitled Court:

1. That the Declarant is presently serving as a Detective for the Elko City Police Department.
2. That in the above capacity I was involved in the investigation concerning the sexual abuse of O.M., a ten year old boy, and S.B., a fourteen year old boy which took place in Elko County and of which the police department became aware of on November 21, 2013.
3. That I learned through my investigation that Devon Hockemier, a twenty-one year old adult male as of November 24, 1992, was the perpetrator of the sexual abuse.
4. That on November 21, 2013, I interviewed O.M. During the interview O.M. told me that when he was between five or six years old, a male, later identified as Devon Hockemier, had inserted his penis into O.M.'s anus on two different occasions. That O.M. provided me with a physical description of the male who assaulted him. That O.M. indicated that each incident took place in the male's home in the room belonging to the male's mother, and that the home was located in or near the city of Elko within Elko County.
5. That during the interview, O.M. also told me that during the sexual encounters the male would place his hand over O.M.'s mouth so that O.M. could not yell. That O.M. also stated that the male told O.M. that if O.M. ever told anyone, he would kill O.M.
6. That on November 25, 2013, O.M.'s mother identified the male, as described to me by O.M, as Devon Hockemier and that O.M. had accurately described the home and bedroom belonging to Devon's mother. That O.M.'s mother also

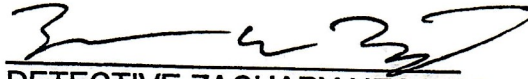
informed me that she, O.M., and S.B., had lived with Devon Hockemier in the home belonging to Devon's mother. That on November 26, 2013, O.M.'s mother informed me that they had lived with Devon from September 2009 to February 2010.

7. That during my investigation, I discovered that Devon Hockemier would have been between the ages of seventeen and eighteen during the time when the sexual assaults were committed.
8. That on November 25, 2013, I was informed that during O.M.'s CARES exam O.M. stated that Devon Hockemier had inserted his penis into O.M.'s anus a total of four times and that O.M. had anal scars which supported his disclosure of anal penetration.
9. That on November 25, 2013, I interviewed S.B. That S.B. stated that when he was around ten years old, Devon Hockemier had inserted his penis into S.B.'s anus. That this occurred around Christmas time and that the act occurred in Devon's bedroom.
10. That on January 8, 2013, I interviewed Devon Hockemier. Devon confirmed that the victims lived with himself and his mother from September 2009 to February 2010, and that he was between the ages of seventeen and eighteen during that time. That Devon admitted to inserting his penis into O.M.'s anus two times while living with the victims. That Devon admitted to inserting O.M.'s penis into Devon's mouth one time while living with the victims. That Devon admitted to inserting his penis into S.B.'s anus one time while living with the victims. That Devon admitted to inserting his penis into S.B.'s mouth on several occasions while living with the victims.
11. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 28 day of April, 2014

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#156



DETECTIVE ZACHARY HESSING
Detective

Elko City Police Department

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Elko Police Department Detail

Print Date/Time: 01/14/2014 09:26
Login ID: cwiley
Case Number: 2014-00000676

ORI Number:

Elko Police Department
NV0040100

Initial Report/ Hessing

Initial Report by: Detective Zachary Hessing #156
Case # 2014-676

On November 20, 2013 I received a report of a child sexual assault. (See case # 2013-28353 for further details). During the investigation of that case I was informed that a 10 year old male subject who will be referred to as OM was the possible suspect. I was also informed that OM was currently attending Northside Elementary School. Due to OM's behavior in case # 2013-28353 I was worried that he was being sexually molested.

On November 21, 2013 at approximately 1030 hours I traveled to Northside Elementary School to speak with OM. I was advised by the principal that it was against their policy to allow me to talk one on one with a student unless DCFS was present. I called Alisha Turner, who is an employee for DCFS, and informed her about what was going on. Alisha stated that she would travel to Northside Elementary School to assist me.

Upon Alisha's arrival the principal had OM come into his office. I started my forensic interview with OM. It should be noted that Alisha was present in the room during the interview. I started my voice recorder. I introduced myself and Alisha to OM. I informed OM that I was not holding him here and he did not have to talk with me. OM stated ok. I asked OM if I could talk with him. OM stated yes. OM spelled his name and gave me his date of birth. OM began to tell me about the things he likes to do.

OM talked about his family. OM told me he had an older brother who will be referred to as SB. OM told me about his younger brother who is DB. OM was able to describe his house in detail. OM talked about his step father Charles Bridge. OM corrected me on a few things and I informed him that it was good that he was correcting me. I also informed OM that if I got something wrong that he could tell me I was wrong. I also informed OM that if I asked a question and he did not know the answer it was okay for him not to know. I informed OM that I did not want him to guess at a question. I gave OM an example. OM stated that he understood. I also verified that OM knew the difference between what was true and what was not true.

OM talked more about his family. I asked OM if he knew why he was talking with me today. OM stated no. I informed OM that I wanted to talk with him about what had happened a few days ago. I asked OM if he was at his friend's house on Saturday. OM stated yes. OM then stated that he was not at a friend's house. I asked OM if he had a friend named DS. OM stated yes. I asked OM how old DS was. OM stated 7 years old. I asked OM if he was over at DS' house this past weekend. OM stated yes. I asked OM what he and DS were doing. OM stated that they were playing the game "kill". At this time OM began to get nervous. I asked OM to describe to me how this game is played. OM described the game to me. I asked OM where they had been playing this game. OM stated that it was by the fence where they lived. I asked OM what else happened. OM began to get more nervous. OM stated nothing. I asked OM if he was behind the fence. OM stated that he was behind a tree and DS was behind the fence. I asked OM why he stopped playing the game. OM stated that it was getting dark. At this time OM would not make eye contact with me and would put his head down. OM stated again that they stopped playing the game because it was dark and it was getting cold. OM stated that he went to his house and DS went to his own house. I informed OM that I had spoken with Esmeralda. OM put his head down again. I asked OM if he knew who Esmeralda was. OM stated yes. I asked OM who Esmeralda was. OM stated that she was DS' mom. I informed OM that Esmeralda stated that she had stopped them from playing the game. OM immediately began to say that they were just playing the game and he began to explain the game to me. OM was extremely nervous at this time. OM's face turned red and he put his head down. I asked OM if Esmeralda had stopped them from playing the game at that time. OM stated yes. OM put his head back down. I asked OM why Esmeralda had stopped them from playing the game. OM stated that it was because it was getting dark.

I explained to OM that I wanted him to be honest with me. I explained to OM that Esmeralda had told me more about what had happened. OM stated that there was no more to the story. I began to talk about OM's dad and him stating that he had three fathers. OM talked about his three fathers.

I asked OM if he knew the difference between good touch and bad touch. OM stated no. I explained good touch and bad

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Elko Police Department

Detail

Print Date/Time: 01/14/2014 09:26
Login ID: cwiley
Case Number: 2014-00000676

ORI Number: Elko Police Department
NV0040100

touch to OM. I asked OM if anyone has touched him in a way that made him feel like it was a bad touch. OM stated yes. OM talked about other children punching him. I asked OM if there was any other times that he was touched in a way that he felt was a bad touch. OM stated no.

I asked OM if there was anything going on that he needed to tell me about. OM talked about Charles and Hydie arguing and fighting. I asked OM if there was anything else. OM stated no.

I asked OM what he calls the part of the body that he pee's from. OM stated "private". I asked OM what he called the part that he sits on and he uses it to go to the bathroom. OM stated "bottom". I asked OM if anything has happened with his "private". OM began to talk about a male subject who was approximately 18 years of age, his mother's name is Pam, and he had put his "private" in his "bottom" and he did not like it. OM stated that he was approximately 5 or 6 years old at the time. OM stated that the male subject had covered his mouth so he could not yell. OM stated that the male subject had worked at the movie theatre by McDonalds. I asked OM to tell me more about where this had happened. OM stated that they were in Pam's room. OM described Pam's room. I asked OM to describe to me where Pam's residence was. OM described the location of the residence being on the south side of town by a dirty mountain. I asked OM to describe Pam's son. OM described him as a male subject, had earrings, black hair, black clothes, some freckles, brown eyes, and his skin was white. OM stated that the male subject told him that if he tells someone about it he would kill him. OM stated that he told his mother, Hydie, about it but she did not care.

I asked OM if he knew how many times the male subject had put his "private" in his bottom. OM stated that it was twice. OM stated that they would watch movies together and then the male subject would take him into Pamela's room. I asked OM if there was anyone else there when this happened. OM stated no. OM stated that his mother was at work. I asked OM if anything else had happened like that to him. OM stated no. I asked OM if he knew anyone else that has had that happen to them. OM stated no. OM stated that there was nothing else he wanted to talk to me about. I asked OM about what Esmeralda had talked to him about. OM stated that Esmeralda was all weird and told him that he had to go home. I informed OM that DS told Esmeralda what had happened behind the fence. I asked OM to tell me what had happened. OM put his head down and stated that there was nothing else to talk about.

I asked OM if there was someone he could talk to if someone were to hurt him. OM stated yes. OM stated his mother, Charles and an adult. I informed OM that he could also talk to a teacher or a principal. I ended my interview with OM. At approximately 1653 hours I attempted to call Hydie via telephone (775-297-6002). I was not able to get a hold of Hydie.

On November 25, 2013 at approximately 0810 hours I was informed that Hydie was in the front office and wanted to speak with me. I spoke with Hydie. It should be noted that Charles was also in the front office. I asked Hydie if I could speak to her first. Hydie stated yes. I walked Hydie to the interview room. I started my voice recorder. I had Hydie sit by the door. I informed Hydie that I was not detaining her in anyway and she was free to leave at any time. Hydie stated that she understood and she was there to speak with me. It should be noted that Hydie was a little agitated at this time. Hydie asked me what was going on. I informed Hydie that she already knew what was going on. Hydie stated that OM came home from school and stated that two police officers had spoken with him at school. Hydie stated that she went to the school on Friday and asked the principal what was going on. Hydie stated that the principal gave her my name. Hydie stated that she came down here and found out that I was on my day off. Hydie stated that she made plans to come in and speak with me today.

I asked Hydie about Esmeralda talking to her. Hydie stated that she was at the house making the children dinner. Hydie stated that Esmeralda came to her house and told her that she needed to come and take her children home. Hydie stated that Esmeralda told her that she had found OM and DS behind the fence with their pants down. Hydie stated that Esmeralda also told her that OM was trying to "insert his penis into DS' private area". Hydie stated that was all she knew.

I asked Hydie about her telling Esmeralda not to contact the police and that she would contact a counselor. Hydie stated that was not true and she had never said that. I informed Hydie that when I had received this report my first concern was where OM had learned or is learning this behavior. Hydie stated that she was also worried about that. I explained to Hydie why I had spoken with OM without telling her that I was going to speak with OM. Hydie agreed with what I did

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Elko Police Department

Detail

Print Date/Time: 01/14/2014 09:26
Login ID: cwiley
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and understood why I did it. I informed Hydie that I do believe that OM did put his penis in DS' anus. Hydie stated "okay". I informed Hydie that I wanted to make sure that OM gets the help he needs. I informed Hydie that my report would be sent to the juvenile court system and they would make a decision on what to do. Hydie stated okay. I informed Hydie that I wanted OM to have counseling and I also wanted to set up a CARES exam for OM. I explained to Hydie what a CARES exam was. I also informed Hydie that there was also information on counseling that would be given to her. Hydie stated okay.

I asked Hydie if she had lived with a lady named Pamela. Hydie stated yes. Hydie stated that Pam's full name was Pamela Earnstein. Hydie stated that Pam had a son by the name of Devon Hockemier. It should be noted that later Hydie gave me the dates of when her family lived with Pamela. These dates were September 2009 to February 2010. I asked Hydie where Pamela had lived. Hydie stated that it was in the trailer park located at 651 Bullion Road. Hydie stated that she was not sure what the space number was. It should be noted that this address matched the description that OM had given me. Hydie stated that she could point the house out to me. Hydie stated that Devon's dad was Roger Hockemier. I asked Hydie how old Devon was. Hydie stated that he was probably 17 or 18 years of age when they lived with him. Hydie stated that Pamela had moved to Reno and Roger was living in Osino.

I informed Hydie about what OM had told me. I gave the description of the room that OM had given to me where Devon had sexually assaulted him. Hydie stated that the description matched Pamela's room. I gave a description of the male subject that OM had given me and Hydie stated that the description matched Devon. I asked Hydie if Devon worked at a movie theater. Hydie stated yes. Hydie stated that it was the movie theater by Connolly Drive. This also matched the movie theatre that was described to me by OM. Hydie stated that she had run into a one of Devon's friends named Harry and he stated that Devon was in Reno. Hydie also stated that Harry told her that Devon had gotten into trouble and it was some type of child crime. It should be noted that Hydie later informed me that Harry's full name was Harry Turner and he was a friend of Devon's.

Hydie began to ask why OM did not tell her about this. I informed Hydie that OM stated that he did tell her about it and nothing happened. Hydie stated that OM did not tell her that this had happened. I informed Hydie that the Department of Child and Family Services might want to know for sure that OM had not told her about it. Hydie stated again that OM did not tell her about it. I informed Hydie that the best way to show that she was telling the truth is to have her take a CVSA. I explained to Hydie what a CVSA was. Hydie stated that she would be willing to take a CVSA. I ended my interview with Hydie.

I walked Hydie to the front lobby of the police department. I asked Charles if he wanted to speak with me. Charles stated yes. I walked Charles to the interview room. I started my voice recorder. I had Charles sit next to the door. I informed Charles that the door was not locked and he was free to leave at any time. I asked Charles about what he knew.

Charles stated that he knew a little bit about what had happened at Esmeralda's home between DS and OM. Charles stated that he had the same thing happen to him when he was little and didn't ask too many questions at that time. Charles stated that he did want to know now what was going on. Charles stated that he now wants to know what was going on. I informed Charles about what was going on and what had happened at Esmeralda's house. I informed Charles that I had concerns with OM and where he had learned this behavior. I informed Charles that was why I interviewed him last Thursday to make sure he was not being harmed at home and to know where he had learned this behavior.

I informed Charles what OM had told me. Charles stated that Hydie had told him that OM stated that Devon had sexually assaulted OM. Charles gave me the same address that Hydie had given me but did not know the space number. Charles stated that Devon is a "gothic" type of person and likes the color black. Charles stated that the last time he had heard Devon was in Reno, Nevada and had turned homosexual. I asked Charles about Devon getting in trouble with the police in Reno. Charles stated that I needed to talk with Harry, because Harry knew more details about where Devon is staying and what he is or was in trouble for. I asked Charles about OM telling Hydie about Devon back when this had happened. Charles stated that this was the first time he had heard of it and that if Hydie had known about it she would have told him about it.

Charles stated that he had a 14 year old son who will be referred to as SB. Charles asked me if I would want to talk with

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Elko Police Department Detail

Print Date/Time: 01/14/2014 09:26
Login ID: cwiley
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NV0040100

happened. SB stated yes. I asked SB if he remembers if the weather was warm or cold. SB stated that it was during the winter time. SB then stated that it was around Christmas time. It should be noted that this matched the time that Hydrie, Charles, OM and SB were staying with Pamela and Devon. I informed SB about the counseling that was available to him. SB stated that he did not want to go to counseling. I talked with SB about what he likes to do. I ended my interview with SB.

At approximately 1630 hours I met with Hydrie, Charles and OM at the Morning Star Health Clinic for the CARES exam. After the CARES exam I was notified by Charles and Dr. Macleod that OM had disclosed again that Devon had put his penis in his butt and it happened on four different occasions. I was also informed by Dr. Macleod that OM had some scars that supported OM's disclosure of anal penetration.

On November 26, 2013 at approximately 1530 hours I called Hydrie. Hydrie stated that they lived with Pamela from September 2009 to February 2010. Hydrie also stated that Harry is living with his mother in a house that was located on the corner of Pine Street and 6th Street. Hydrie stated that there is a white car with handicap plates parked in front of the house. Hydrie also stated that the house has brick on it.

On November 27, 2013 at approximately 1030 hours I traveled to Morning Star Health Clinic and picked up the CARES exam for OM.

On December 9, 2013 I called Hydrie to see if she was able to get the necessary paperwork so that OM could get counseling. Hydrie stated that she did not get the paperwork. I called Corey Martin and she informed me that she had the paperwork. I traveled to Corey's office and picked up the paperwork for Hydrie. I called Hydrie and she stated that she would come by the police department to pick up the paperwork.

On December 10, 2013 at approximately 1405 hours I traveled to 631 6th Street to speak with Harold Turner. Upon knocking on the door no one answered. I left my business card on the door. I traveled back to the police department and searched the address of 631 6th Street and found that I had a phone number to Dorothy Turner. I called the phone number and spoke with Dorothy. I informed Dorothy that I was trying to speak with Harold and needed to ask him a few questions. Dorothy gave me Harold's phone number as 775-299-9736. Dorothy then asked if this was about Devon. I stated yes and asked what she knew about Devon. Dorothy stated that Devon was living in Reno and had been charged with a child molestation crime. I asked Dorothy how she knew that. Dorothy stated that Harold had told her about it. I called Harold. Harold stated that I could speak with him and he would meet me by the Star Restaurant. It should be noted that Harold is currently residing in the apartments located above the Casa Nova Club. I drove to the area of the Star restaurant. I started my voice recorder. I spoke with Harold. Harold stated that Devon was currently living in Reno. I asked Harold if he had a current address for Devon. Harold stated no. Harold stated that he had lived with Devon in Reno but that was at a hotel. Harold stated that Devon is not currently living in that hotel anymore. I asked Harold if he knew how I could find Devon. Harold stated that Devon had a Facebook account by the name of "Devo Bachman". I asked Harold about him telling Dorothy about Devon being in trouble. Harold stated that he had heard that Devon had been arrested for a child abuse crime. Harold stated that he was not sure if it was true. I ended my interview with Harold.

I returned back to the police department and researched Devon's Facebook account. I was able to find out that Devon was currently in Reno and has had several jobs in the Reno area. I researched Devon on the Accurant database and found a current address of 3125 S. Virginia Street #135 in Reno. Upon researching this address I found that the address came back to Southwest Village Apartments. I called Reno Police Department and spoke with the record division. They informed me that they had contact with Devon in April of 2013. The records division stated that the address they had for Devon at that time was 3125 S. Virginia Street #135. I asked the records division if they had a child abuse case against Devon. The records division forwarded me to the Family Crimes division. I received a voicemail at the Family Crimes Division. I did not leave a message.

At approximately 1740 hours I checked Devon's driver's license to see if he had a current address. I viewed that Devon had updated his address in September 2013 and the address that is listed is 7644 Yorkshire Drive Reno, Nevada.

On December 11, 2013 at approximately 1010 hours I called Reno Police Department and spoke with Sergeant Dave Macaulay. Sergeant Macaulay informed me that they had arrested Devon in April for a child abuse crime.

552

24



Elko Police Department Detail

Print Date/Time: 01/14/2014 09:26
Login ID: cwiley
Case Number: 2014-00000676

ORI Number:

Elko Police Department
NV0040100

him because SB had lived with Devon as well. I told Charles that I did want to talk with SB. I asked Charles if he could bring SB to the police department at 1530 hours. Charles stated yes. I ended my interview with Charles. I walked Charles to the front lobby. Both Charles and Hydrie thanked me for my investigation and stated that they wanted to assist me in any way.

At approximately 1002 hours I faxed over a CARES request form for OM. I was later advised that they could do the exam today at 1630 hours. I called Hydrie and asked her if the time would work for her. She stated yes.

At approximately 1530 hours Charles arrived at the police department with SB. I walked SB to the interview room. I started my voice recorder. I informed SB that he did not have to talk with me and he was free to leave at any time. SB stated that he did not want to talk about "it". I informed SB that he did not have to talk with me but I wanted to talk with him. I informed SB that I have talked to a lot of people about what had happened to them and that he could tell me anything. I asked SB what he likes to do. SB began talking about what he likes to do.

I asked SB what he knows about what was going on. SB stated that "Devon was causing trouble again". I asked SB what he meant by "Devon causing trouble again". SB stated that Devon "has been doing what he has been doing, what he had done to OM". I could tell that SB was not comfortable talking to me about it. I let SB know that he could talk to me about anything. I informed SB that he could name body parts anything he wanted to as long as I know what body part he was talking about. I informed SB that I needed to know as much detail as possible. I also informed SB that if he did not know something that he could tell me he did not know and that it was very important that he did not guess at an answer. SB stated that he understood. I asked SB again what he meant by "Devon causing trouble again". SB stated that Devon has been using his "downstairs parts". I asked SB what most people do with their downstairs parts. SB stated that people usually use the downstairs parts to have "sex" with women. I asked SB if the downstairs part was the part that people use to go pee. SB stated that the downstairs part is the penis. I asked SB what he meant by in the past. SB stated that Devon has been doing this in the past. I asked SB how he knew that Devon has been doing this in the past. SB stated that Devon tried it on him. I asked SB if he could tell me more about that. SB stated that Devon tried to stick "it" in his "butthole". SB stated that it hurt so he told Devon to stop. I asked SB how long ago it was. SB stated that it was a couple of years ago. I asked SB how old he would have been. SB stated that he was approximately 10 years old. I asked SB how old Devon was at that time. SB stated that he thought Devon was 17 and was about to turn 18.

I asked SB where this had happened. SB stated that it was in Devon's room. I asked SB if he knew the address. SB stated that he did not know the address but could explain where it was at. SB stated that it was off of Bullion road and it was the third entrance into the trailer park. It should be noted that SB's description matched the description that was given to me by OM and Hydrie. I asked SB to explain his room to me. SB gave a good description of Devon's room. I asked SB if he remembered if it was day or night. SB stated that he did not remember. I asked SB if anyone else was in the trailer. SB was not sure. I asked SB what had led up to Devon getting him into his room. SB stated that he did not remember. I asked SB what had happened in his room. SB stated that it just happened. I asked SB what he was wearing. SB stated that his pants were pulled down. I asked SB how his pants got pulled down. SB stated that Devon asked him to pull his pants down. I asked SB what had happened next. SB stated that Devon tried to stick "it in my butthole". I asked SB if he remembers anything about Devon and his downstairs parts. SB stated that he remembers what the color of Devon's hair was on top of his head. SB stated that it was black and Devon liked the color black. I asked SB after Devon had asked him to take down his pants what happened next. SB stated that they got on the bed. SB stated that Devon had him lie sideways on the bed and Devon then tried to stick "it in his butthole". SB stated that it hurt so he told Devon to stop. I asked SB if Devon tried to talk him into it or did he stop. SB stated that he tried to talk him into it but then gave up. I later asked SB what he meant by it hurting. SB stated that it felt like it was ripping. I asked SB if Devon had mentioned to him that he does this with other people. SB stated no. I asked SB if he had ever told anybody about it. SB stated no. I asked SB if there was a reason why he did not tell anyone. SB stated no. I asked SB if he was friends with Devon. SB stated that they were "somewhat" friends. I asked SB if he talked to OM about this. SB stated no. I asked SB if there were any other details he knew. SB stated no. I asked SB if OM had told him anything about it. SB stated no. I confirmed with SB about the location of the trailer, this occurring in Devon's room, Devon trying to put his "downstairs" parts in his "butt", he told Devon to stop because it hurt, Devon stopped and nothing else

551
25



Elko Police Department Detail

Print Date/Time: 01/14/2014 09:26
Login ID: cwiley
Case Number: 2014-00000676

ORI Number:

Elko Police Department
NV0040100

At approximately 1120 hours I traveled to 91 Park Road in an attempt to give the counseling paperwork to Hydrie. No one answered the door.

At approximately 1310 hours Hydrie arrived at the police department. I gave Hydrie the paperwork about counseling for her son. I advised her to call Corey if she has questions about it.

On December 17, 2013 I received more paperwork concerning OM's CARES exam. The CARES exam informed me that the exam was supportive of OM's disclosure of anal penetration. The exam was signed by Doctor Kristen Macleod.

On January 7, 2014 I traveled to Reno, Nevada. At approximately 1230 hours I arrived at the Reno Police Department and spoke with Sergeant Lopez. Sergeant Lopez informed me that Detective Guider of the Reno Police Department would help me in my investigation. Detective Guider and I traveled to 7644 Yorkshire Drive in Reno Nevada. Upon our arrival I knocked on the door and no one answered. Detective Guider and I traveled to 3125 S. Virginia Street in Reno, Nevada and knocked on the door of apartment #135. I spoke with a male subject who informed me that he did not know a Devon Hockemier and he was no longer staying at this residence.

Detective Guider and I traveled to 700 Milan Drive in Sparks, Nevada. It should be noted that this address is the address listed for the Zulily Warehouse where Devon was supposed to be working. Upon our arrival I spoke with a male subject who worked for Zulily. The male subject invited us in and searched for Devon in his employee database. The male subject informed me that Devon was fired from the job in the month of December. The male subject stated that Devon had two addresses listed. The first address was 7644 Yorkshire Drive in Reno, Nevada and the second address was 5300 Buffalo Drive in Stagecoach, Nevada. Detective Guider and I traveled back to 7644 Yorkshire Drive. Upon knocking on the door no one answered. I left my business card on the door.

On January 8, 2013 at approximately 0815 hours Detective Guider and I traveled back to 7644 Yorkshire Drive. I viewed that my business card was no longer in the door. Upon knocking on the door no one answered.

Detective Guider dropped me off at my vehicle. I traveled to Silver Springs, Nevada to speak with the Lyon County Sheriff's Office and see if they would be willing to help me find 5300 Buffalo Drive in Stagecoach, Nevada. At approximately 1040 hours I spoke with Detective White of the Lyon County Sheriff's Office. I informed Detective White about the case that I was working. Detective White stated that he would be willing to travel to 5300 Buffalo Drive with me.

At approximately 1100 hours Detective White and I arrived at 5300 Buffalo Drive. Upon knocking on the door Pamela Earnstein answered the door. I asked Pamela if Devon was home. Pamela stated yes. Devon came to the door. I asked Devon if he would be willing to go to the Lyon County Sheriff's Office Substation for an interview. Devon stated that he would rather have me interview him at his residence. I asked Devon if we could do the interview by my vehicle. Devon stated yes.

Devon and I walked to my vehicle that was parked in front of his residence. I started my voice recorder. I read Devon his Miranda Rights and asked him if he understood his rights. Devon stated yes. I asked Devon if he would talk with me. Devon stated yes. Devon and I talked about his past employment and things that were going on in his life. I confirmed with Devon that he had worked at the theatre in Elko that was described to me by OM. I also confirmed with Devon that he lived with his mother off of 651 Bullion Road. I asked Devon who all lived with him. Devon stated that he and Pamela only lived there. I asked Devon if anyone else ever lived there. Devon stated that he did not think so. I asked Devon if a family lived with him in 2010. Devon stated that he did not believe so. Devon paused for a while and stated that Pamela had her friend staying there. I asked Devon if he remembered the name of the friend. Devon stated that Hydrie was the mother and he could not remember the rest of the family's names. I asked Devon how old Hydrie's children were. Devon stated that he thought there was a 2 year old and he knew there were a 6 year old and a 10 year old.

I asked Devon if he remembered anything that had happened during the time Hydrie's family was living there. Devon stated no. I asked Devon if he hung out with the 10 year old. Devon stated "not really". I informed Devon that Hydrie's family lived with him from September 2009 to approximately February 2010. I asked Devon how old he was during that time. Devon stated that he was 17 and turned 18 in November of that year. Devon stated that the dates sounded right of when Hydrie and her family stayed there. I asked Devon if he remembers what happened between him and the two older

553
23



Elko Police Department Detail

Print Date/Time: 01/14/2014 09:26
Login ID: cwiley
Case Number: 2014-00000676

ORI Number:

Elko Police Department
NV0040100

boys. Devon stated no.

I asked Devon to describe the house to me. Devon stated that his mother lived in the back, he had his own room and Chuck and Hydie had his own room. It should be noted that Devon had remembered the name of Hydie's husband where he had told me before he did not remember any other names of Hydie's family. I informed Devon that I was glad that he remembered Chuck's name. Devon stated that the two boys stayed in the living room. I asked Devon to explain his room to me. Devon explained his bedroom as being painted black and that he usually had something covering his window to block out the sun. It should be noted that this description of Devon's room matched SB's description of Devon's room. I asked Devon to describe Pamela's room. Devon stated that Pamela had a king size bed and a television in her room. It should be noted that this description of Pamela's room matched the description that OM had given of Pamela's room. I informed Devon of the reason why this case was brought to my attention. I informed Devon that OM had disclosed to me of what had happened between OM and him. Devon stated "like what, that I touched him or something". I asked Devon to tell me what had happened. Devon stated nothing happened. I informed Devon that I have studied human behavior and that the human body was not made to lie. I informed Devon that the first thing human behavior wants to do is to protect themselves and I did not blame him in doing that. I informed Devon that it was important that he told me the truth about what had happened. I asked Devon what had happened. Devon stated nothing happened. I informed Devon that I also had spoken with SB. I informed Devon that SB has never spoken of what had happened between Devon and he until he had spoken to me. I asked Devon what had happened between him and SB. Devon stated nothing. I asked Devon if he ever had sex with SB. Devon stated no. I asked Devon if he had ever had sex with OM. Devon stated "no, never". Devon stated that was disgusting and he would never do that.

I informed Devon that both SB and OM had never spoken to each other about what had happened to them but they both gave excellent description of what had happened and where it had happened. I explained to Devon the major difference between the two boys was that SB stated that it hurt and Devon stopped. I explained to Devon that shows me that he was not trying to hurt these boys. Devon stated "ahh no". I informed Devon that I understood that he was 17/18 years old and his hormones were going crazy and maybe he thought these boys might like it too. I told Devon that I was not there to judge him. I told Devon that I just needed to know the truth of what had happened. Devon stated that he would not do that and it was crazy. I asked Devon if it would make him feel better that I already knew what he had done without a doubt in my mind. I informed Devon that I knew that he was not trying to hurt these boys. I asked Devon if he was trying to hurt these boys. Devon stated no. I asked Devon to tell me what happened.

At this time Devon put his head down. Devon asked if he could be honest with me. I told Devon yes. Devon stated that this has been bothering him for several years. Devon stated that his hormones were going crazy. Devon stated that he "messed around with them a little bit". I asked Devon what had happened between him and the 6 year old (OM). Devon stated he messed around with him. I asked Devon what he meant. Devon stated "whatever that entails". I asked Devon if he put his penis in OM's butt. Devon admitted to putting his penis in OM's butt. I asked Devon how many times that happened. Devon stated that he thought it was just once. I asked Devon how far he put his penis into OM's butt. Devon stated that it was approximately the head of his penis. Devon stated that other things happened that did not have to do with penetration. I asked Devon what those things were. Devon admitted to giving OM oral sex.

Devon then began talking about SB. Devon stated that SB was into it a little more than OM. I asked Devon if he tried to put his penis in SB's butt. Devon admitted to putting his penis in SB's butt and stated that SB told him it hurt so he stopped. I asked Devon how far his penis had gone into SB's butt. Devon stated none at all. Devon stated that his penis was just touching. I informed Devon that SB told me that it felt like "tearing". Devon admitted to putting his penis in SB's butt a little bit but then stopped.

I asked Devon when this had happened with OM. Devon stated that it was around October time. I asked Devon when this had happened with SB. Devon stated that it was probably around November time. I informed Devon that SB had told me that it was around Christmas time. Devon stated that it was probably around that time or the end of November. I asked Devon what he meant by giving OM oral sex. Devon stated that he "sucked his dick". I asked Devon how long he would do that for. Devon stated that it was for a few minutes. I asked Devon if OM ever gave him oral sex. Devon stated no. I asked Devon if SB ever gave him oral sex. Devon stated yes. I asked Devon how many times that had happened.

554

22



Elko Police Department Detail

Print Date/Time: 01/14/2014 09:26
Login ID: cwiley
Case Number: 2014-00000676

ORI Number:

Elko Police Department
NV0040100

Devon admitted that SB gave him oral sex on a few different occasions.

I informed Devon that OM stated that Devon had put his penis in his but on a few different occasions. Devon stated that he was not sure. I informed Devon that he should remember that. Devon admitted to putting his penis in OM's but on two different occasions. Devon stated that he felt good getting this information off of his chest. I informed Devon that was good. I asked Devon if there was anything else. Devon stated no.

I told Devon that I appreciated him telling me the truth. I informed Devon about OM's behavior towards another young boy and that we needed to find counseling for OM and this other young boy. I informed Devon of how important it is that we help these young boys before they hurt anyone else. I asked Devon if there were any other children that he had contact with. Devon stated no. I informed Devon that I wanted to help the young children before anything else happens. Devon stated that he understood and that he didn't want anyone else to get hurt. I asked Devon again if there were any other children he had contact with. Devon stated no. Devon asked me what was going to happen. I told Devon that the district attorney's office would decide on what the charges would be. I told Devon he was looking at serious charges. Devon stated that he understood. I ended my interview with Devon.

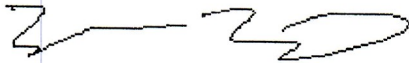
Due to OM disclosing to me that Devon had anal sex with him on two different occasions, OM's description of the room that this occurred in, OM's CARES exam supporting OM's disclosure, SB disclosing that Devon had anal sex with him, SB's description of the room that this occurred in, Devon admitting to having anal sex with OM on two different occasion, Devon admitting to giving OM oral sex, Devon admitting to having anal sex with SB and Devon admitting to having SB give him oral sex on a few different occasions, I am asking that Devon be charged with 7 counts of Lewdness with a Child under 14 years of age, 7 counts of Solicitation of Minor to Engage in Acts Constituting Crime Against Nature and 3 counts of Sexual Assault without Substantial Bodily Harm. I am forwarding this report to the district attorney's office for prosecution.
End of report.

2014-676

OFFICER DECLARATION

I hereby certify that I am a Law Enforcement Officer employed by the Elko Police Department and that I am one of the Officers investigating or aware of the facts described in the reports and statements attached hereto. I hereby affirm under pain and penalty of perjury that the facts set out in the reports and statements attached hereto are true to the best of my knowledge, information, and belief, except as otherwise noted therein.

Date: January 14, 2014



Signature

Zach Hessing

556

211

Exhibit 2

STATE OF NEVADA

VS.

Devon Ray Hockemier

557

DA

NO. 14 CR00635 45

FILED

2014 APR 30 PM 3:39

IN THE ELKO JUSTICE COURT

IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

CRIMINAL

vs.

COMPLAINT

DEVON RAY HOCKEMIER,

Defendant(s).

COMES NOW, THE STATE OF NEVADA, the Plaintiff in the above-entitled cause, by and through its Counsel of Record, the Elko County District Attorney's Office, and based upon the unsworn declaration attached hereto, complains and alleges that the Defendant(s)¹ above-

¹ 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 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 other 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.

(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

...

558

or lascivious act other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, to-wit: O.M., and that said Defendant committed said act with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either the Defendant or of said minor child in the following manner: by inserting his penis into O.M.'s anus.

In the Alternative to Counts 1 and 2,

COUNT 3

OPEN OR GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210

The Defendant engaged in an act or acts of open and gross lewdness in the following manner: by inserting his penis into O.M.'s anus, all of which occurred in a place open to the public, in the bedroom belonging to the Defendant's mother and/or a room in the Defendant's home.

COUNT 4

SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF 14 YEARS, A CATEGORY A FELONY AS DEFINED BY NRS 200.366(3)(c)

That the Defendant willfully and unlawfully subjected another person, to-wit: O.M., who is a child under the age of 14 years, to sexual penetration, to-wit: by inserting his penis into O.M.'s anus, against the victim's will or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct.

In the Alternative to Count 4,

COUNT 5

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

That the Defendant did willfully, unlawfully, feloniously, and lewdly commit a lewd or lascivious act other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, to-wit: O.M., and that said Defendant committed said act with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either the Defendant or of said minor child in the following manner: by inserting his penis into O.M.'s anus.

In the Alternative to Counts 4 and 5,

560

named, from on or about the 1st day of September, 2009, to on or about the 28th day of February, 2010², at or near the location of City of Elko, within the County of Elko, and the State of Nevada, committed the following described criminal offense(s):

COUNT 1

SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF 14 YEARS, A CATEGORY A FELONY AS DEFINED BY NRS 200.366(3)(c)

That the Defendant willfully and unlawfully subjected another person, to-wit: O.M., who is a child under the age of 14 years, to sexual penetration, to-wit: by inserting his penis into O.M.'s anus, against the victim's will or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct.

In the Alternative to Count 1,

COUNT 2

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

That the Defendant did willfully, unlawfully, feloniously, and lewdly commit a lewd

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

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

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

...

² **NRS 171.095 Limitations for offenses committed in secret manner, offenses constituting sexual abuse or sex trafficking of child and offenses regarding personal identifying information.**

1. Except as otherwise provided in subsection 2 and NRS 171.083 and 171.084:

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) or (c) or the provisions of NRS 202.885.

(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child as defined in NRS 432B.100 or sex trafficking of a child as defined in NRS 201.300, before the victim is:

(1) Thirty-six years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse or sex trafficking by the date on which the victim reaches that age; or

(2) Forty-three years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse or sex trafficking by the date on which the victim reaches 36 years of age.

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559

COUNT 6

OPEN OR GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210

The Defendant engaged in an act or acts of open and gross lewdness in the following manner: by inserting his penis into O.M.'s anus, all of which occurred in a place open to the public, in the bedroom belonging to the Defendant's mother and/or a room in the Defendant's home.

COUNT 7

SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF 14 YEARS, A CATEGORY A FELONY AS DEFINED BY NRS 200.366(3)(c)

That the Defendant willfully and unlawfully subjected another person, to-wit: O.M., who is a child under the age of 14 years, to sexual penetration, to-wit: by inserting his penis into O.M.'s anus, against the victim's will or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct.

In the Alternative to Count 7,

COUNT 8

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

That the Defendant did willfully, unlawfully, feloniously, and lewdly commit a lewd or lascivious act other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, to-wit: O.M., and that said Defendant committed said act with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either the Defendant or of said minor child in the following manner: by inserting his penis into O.M.'s anus.

In the Alternative to Counts 7 and 8,

COUNT 9

OPEN OR GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210

The Defendant engaged in an act or acts of open and gross lewdness in the following manner: by inserting his penis into O.M.'s anus, all of which occurred in a place open to the public, in the bedroom belonging to the Defendant's mother and/or a room in the Defendant's home.

561

COUNT 10

SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF 14 YEARS, A CATEGORY A FELONY AS DEFINED BY NRS 200.366(3)(c)

That the Defendant willfully and unlawfully subjected another person, to-wit: O.M., who is a Child under the age of 14 years, to sexual penetration, to-wit: by inserting his penis into O.M.'s anus, against the victim's will or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct.

In the Alternative to Count 10,

COUNT 11

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

That the Defendant did willfully, unlawfully, feloniously, and lewdly commit a lewd or lascivious act other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a Child under the age of 14 years, to-wit: O.M., and that said Defendant committed said act with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either the Defendant or of said minor child in the following manner: by inserting his penis into O.M.'s anus.

In the Alternative to Counts 10 and 11,

COUNT 12

OPEN OR GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210

The Defendant engaged in an act or acts of open and gross lewdness in the following manner: by inserting his penis into O.M.'s anus, all of which occurred in a place open to the public, in the bedroom belonging to the Defendant's mother and/or a room in the Defendant's home.

COUNT 13

SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF 14 YEARS, A CATEGORY A FELONY AS DEFINED BY NRS 200.366(3)(c)

That the Defendant willfully and unlawfully subjected another person, to-wit: O.M., who is a Child under the age of 14 years, to sexual penetration, to-wit: by inserting O.M.'s penis into the Defendant's mouth, against the victim's will or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct.

In the Alternative to Count 13,

COUNT 14

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

That the Defendant did willfully, unlawfully, feloniously, and lewdly commit a lewd or lascivious act other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a Child under the age of 14 years, to-wit: O.M., and that said Defendant committed said act with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either the Defendant or of said minor child in the following manner: by inserting O.M.'s penis into the Defendant's mouth

In the Alternative to Counts 13 and 14,

COUNT 15

OPEN OR GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210

The Defendant engaged in an act or acts of open and gross lewdness in the following manner: by inserting O.M.'s penis into the Defendant's mouth, all of which occurred in a place open to the public, in the bedroom belonging to the Defendant's mother and/or a room in the Defendant's home.

COUNT 16

SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF 14 YEARS, A CATEGORY A FELONY AS DEFINED BY NRS 200.366(3)(c)

That the Defendant willfully and unlawfully subjected another person, to-wit: S.B., who is a Child under the age of 14 years, to sexual penetration, to-wit: by inserting his penis into S.B.'s anus, against the victim's will or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct.

In the Alternative to Count 16,

COUNT 17

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

That the Defendant did willfully, unlawfully, feloniously, and lewdly commit a lewd or lascivious act other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14

563

years, to-wit: S.B., and that said Defendant committed said act with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either the Defendant or of said minor child in the following manner: by inserting his penis into S.B.'s anus.

In the Alternative to Counts 16 and 17,

COUNT 18

OPEN OR GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210

The Defendant engaged in an act or acts of open and gross lewdness in the following manner: by inserting his penis into S.B.'s anus, all of which occurred in a place open to the public, in the Defendant's bedroom and/or a room in the Defendant's home.

COUNT 19

SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF 14 YEARS, A CATEGORY A FELONY AS DEFINED BY NRS 200.366(3)(c)

That the Defendant willfully and unlawfully subjected another person, to-wit: S.B., who is a child under the age of 14 years, to sexual penetration, to-wit: by inserting his penis into S.B.'s mouth, against the victim's will or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct.

In the Alternative to Count 19,

COUNT 20

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

That the Defendant did willfully, unlawfully, feloniously, and lewdly commit a lewd or lascivious act other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, to-wit: S.B., and that said Defendant committed said act with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either the Defendant or of said minor child in the following manner: by inserting his penis into S.B.'s mouth.

In the Alternative to Counts 19 and 20,

COUNT 21

OPEN OR GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210

564

The Defendant engaged in an act or acts of open and gross lewdness in the following manner: by inserting his penis into S.B.'s mouth, all of which occurred in a place open to the public, in the Defendant's bedroom and/or a room in the Defendant's home.

All of which is contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Nevada. Said Complainant, therefore, prays that the Defendant(s) be dealt with according to law.

The Complainant further prays:

 X For the issuance of a Warrant of Arrest.

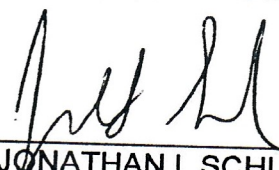
 For the issuance of a Summons.

 A copy of NRS 201.051 must be attached if charge(s) is/are a violation of NRS 201.020.

The undersigned hereby declares under penalty of perjury the foregoing Complaint is true to the best of his/her knowledge, information and belief.

Dated: April 28, 2014.

MARK TORVINEN
ELKO COUNTY DISTRICT ATTORNEY



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

- { } Check if the victim in misdemeanor cases appears to have incurred uncompensated expenses because of the defendant's acts.
- { } Check if prosecutor wishes to be present at misdemeanor sentencing.

Pursuant to NRS 174.234 and NRS 171.1965 or NRS 174.235, discovery herein contains the name and last known address or place of employment of the witnesses the State intends to call during the case-in-chief in a misdemeanor trial.

DA #F-14-94099 / REPORT #: P14-0676 / OFFICER: JARED LOWRY / AGENCY: *

565

Unsworn Declaration In Support Of Complaint
Pursuant to NRS 53.045

Comes now DETECTIVE ZACHARY HESSING, who declares the following to the above-entitled Court:

1. That the Declarant is presently serving as a Detective for the Elko City Police Department.
2. That in the above capacity I was involved in the investigation concerning the sexual abuse of O.M., a ten year old boy, and S.B., a fourteen year old boy which took place in Elko County and of which the police department became aware of on November 21, 2013.
3. That I learned through my investigation that Devon Hockemier, a twenty-one year old adult male as of November 24, 1992, was the perpetrator of the sexual abuse.
4. That on November 21, 2013, I interviewed O.M. During the interview O.M. told me that when he was between five or six years old, a male, later identified as Devon Hockemier, had inserted his penis into O.M.'s anus on two different occasions. That O.M. provided me with a physical description of the male who assaulted him. That O.M. indicated that each incident took place in the male's home in the room belonging to the male's mother, and that the home was located in or near the city of Elko within Elko County.
5. That during the interview, O.M. also told me that during the sexual encounters the male would place his hand over O.M.'s mouth so that O.M. could not yell. That O.M. also stated that the male told O.M. that if O.M. ever told anyone, he would kill O.M.
6. That on November 25, 2013, O.M.'s mother identified the male, as described to me by O.M, as Devon Hockemier and that O.M. had accurately described the home and bedroom belonging to Devon's mother. That O.M.'s mother also

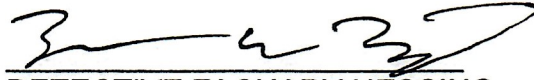
informed me that she, O.M., and S.B., had lived with Devon Hockemier in the home belonging to Devon's mother. That on November 26, 2013, O.M.'s mother informed me that they had lived with Devon from September 2009 to February 2010.

7. That during my investigation, I discovered that Devon Hockemier would have been between the ages of seventeen and eighteen during the time when the sexual assaults were committed.
8. That on November 25, 2013, I was informed that during O.M.'s CARES exam O.M. stated that Devon Hockemier had inserted his penis into O.M.'s anus a total of four times and that O.M. had anal scars which supported his disclosure of anal penetration.
9. That on November 25, 2013, I interviewed S.B. That S.B. stated that when he was around ten years old, Devon Hockemier had inserted his penis into S.B.'s anus. That this occurred around Christmas time and that the act occurred in Devon's bedroom.
10. That on January 8, 2013, I interviewed Devon Hockemier. Devon confirmed that the victims lived with himself and his mother from September 2009 to February 2010, and that he was between the ages of seventeen and eighteen during that time. That Devon admitted to inserting his penis into O.M.'s anus two times while living with the victims. That Devon admitted to inserting O.M.'s penis into Devon's mouth one time while living with the victims. That Devon admitted to inserting his penis into S.B.'s anus one time while living with the victims. That Devon admitted to inserting his penis into S.B.'s mouth on several occasions while living with the victims.
11. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 28 day of April, 2014

567

#156



DETECTIVE ZACHARY HESSING
Detective

Elko City Police Department

568

Exhibit 3

STATE OF NEVADA

VS.

Devon Ray Hockemier

569

DN copy

CASE NO. 14-CR-00635

FILED
ELKO TOWNSHIP
JUSTICE/MUNICIPAL COURT

2014 JUL -8 PM 3:11

CLERK _____

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

STATE OF NEVADA,

Plaintiff,

vs.

DEVON RAY HOCKEMIER,

Defendant(s).

AMENDED

CRIMINAL

COMPLAINT

COMES NOW, THE STATE OF NEVADA, the Plaintiff in the above-entitled cause, by and through its Counsel of Record, the Elko County District Attorney's Office, and based upon the unsworn declaration heretofore filed, complains and alleges that the Defendant(s)¹ above-named, from on or about the 1st day of September, 2009, to

¹ 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 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 other 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.

(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

570

on or about the 28th day of February, 2010², at or near the location of City of Elko, within the County of Elko, and the State of Nevada, committed the following described criminal offense(s):

COUNT 1

SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF 14 YEARS, A CATEGORY A FELONY AS DEFINED BY NRS 200.366(3)(c).

That the Defendant willfully and unlawfully subjected another person, to-wit: O.M., who is a child under the age of 14 years, to sexual penetration, to-wit: by inserting his penis into O.M.'s anus, against the victim's will or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct.

IN THE ALTERNATIVE TO COUNT 1,

COUNT 2

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

That the Defendant did willfully, unlawfully, feloniously, and lewdly commit a lewd or lascivious act other than acts constituting the crime of sexual

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

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

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

² **NRS 171.095 Limitations for offenses committed in secret manner, offenses constituting sexual abuse or sex trafficking of child and offenses regarding personal identifying information.**

1. Except as otherwise provided in subsection 2 and NRS 171.083 and 171.084:

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) or (c) or the provisions of NRS 202.885.

(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child as defined in NRS 432B.100 or sex trafficking of a child as defined in NRS 201.300, before the victim is:

(1) Thirty-six years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse or sex trafficking by the date on which the victim reaches that age; or

(2) Forty-three years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse or sex trafficking by the date on which the victim reaches 36 years of age.

assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, to-wit: O.M., and that said Defendant committed said act with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either the Defendant or of said minor child in the following manner: by inserting his penis into O.M.'s anus.

IN THE ALTERNATIVE TO COUNTS 1 AND 2,

COUNT 3

OPEN OR GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210.

The Defendant engaged in an act or acts of open and gross lewdness in the following manner: by inserting his penis into O.M.'s anus, all of which occurred in a place open to the public, in the bedroom belonging to the Defendant's mother and/or a room in the Defendant's home.

COUNT 4

SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF 14 YEARS, A CATEGORY A FELONY AS DEFINED BY NRS 200.366(3)(c).

That the Defendant willfully and unlawfully subjected another person, to-wit: O.M., who is a child under the age of 14 years, to sexual penetration, to-wit: by inserting his penis into O.M.'s anus, against the victim's will or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct.

IN THE ALTERNATIVE TO COUNT 4,

COUNT 5

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

That the Defendant did willfully, unlawfully, feloniously, and lewdly commit a lewd or lascivious act other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, to-wit: O.M., and that said Defendant committed said act with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either the Defendant or of said minor child in the following manner: by inserting his penis into O.M.'s anus.

IN THE ALTERNATIVE TO COUNTS 4 AND 5,

COUNT 6

OPEN OR GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210.

The Defendant engaged in an act or acts of open and gross lewdness in the following manner: by inserting his penis into O.M.'s anus, all of which occurred in a place open to the public, in the bedroom belonging to the Defendant's mother and/or a room in the Defendant's home.

COUNT 7

SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF 14 YEARS, A CATEGORY A FELONY AS DEFINED BY NRS 200.366(3)(c).

That the Defendant willfully and unlawfully subjected another person, to-wit: O.M., who is a child under the age of 14 years, to sexual penetration, to-wit: by inserting his penis into O.M.'s anus, against the victim's will or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct.

IN THE ALTERNATIVE TO COUNT 7,

COUNT 8

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

That the Defendant did willfully, unlawfully, feloniously, and lewdly commit a lewd or lascivious act other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, to-wit: O.M., and that said Defendant committed said act with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either the Defendant or of said minor child in the following manner: by inserting his penis into O.M.'s anus.

IN THE ALTERNATIVE TO COUNTS 7 AND 8,

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573

COUNT 9

OPEN OR GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210.

The Defendant engaged in an act or acts of open and gross lewdness in the following manner: by inserting his penis into O.M.'s anus, all of which occurred in a place open to the public, in the bedroom belonging to the Defendant's mother and/or a room in the Defendant's home.

COUNT 10

SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF 14 YEARS, A CATEGORY A FELONY AS DEFINED BY NRS 200.366(3)(c).

That the Defendant willfully and unlawfully subjected another person, to-wit: O.M., who is a Child under the age of 14 years, to sexual penetration, to-wit: by inserting his penis into O.M.'s anus, against the victim's will or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct.

IN THE ALTERNATIVE TO COUNT 10,

COUNT 11

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

That the Defendant did willfully, unlawfully, feloniously, and lewdly commit a lewd or lascivious act other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a Child under the age of 14 years, to-wit: O.M., and that said Defendant committed said act with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either the Defendant or of said minor child in the following manner: by inserting his penis into O.M.'s anus.

IN THE ALTERNATIVE TO COUNTS 10 AND 11,

COUNT 12

OPEN OR GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210.

The Defendant engaged in an act or acts of open and gross lewdness in

577

the following manner: by inserting his penis into O.M.'s anus, all of which occurred in a place open to the public, in the bedroom belonging to the Defendant's mother and/or a room in the Defendant's home.

COUNT 13

SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF 14 YEARS, A CATEGORY A FELONY AS DEFINED BY NRS 200.366(3)(c).

That the Defendant willfully and unlawfully subjected another person, to-wit: O.M., who is a Child under the age of 14 years, to sexual penetration, to-wit: by inserting O.M.'s penis into the Defendant's mouth, against the victim's will or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct.

IN THE ALTERNATIVE TO COUNT 13,

COUNT 14

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

That the Defendant did willfully, unlawfully, feloniously, and lewdly commit a lewd or lascivious act other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a Child under the age of 14 years, to-wit: O.M., and that said Defendant committed said act with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either the Defendant or of said minor child in the following manner: by inserting O.M.'s penis into the Defendant's mouth.

IN THE ALTERNATIVE TO COUNTS 13 AND 14,

COUNT 15

OPEN OR GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210.

The Defendant engaged in an act or acts of open and gross lewdness in the following manner: by inserting O.M.'s penis into the Defendant's mouth, all of which occurred in a place open to the public, in the bedroom belonging to the Defendant's mother and/or a room in the Defendant's home.

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COUNT 16

SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF 14 YEARS, A CATEGORY A FELONY AS DEFINED BY NRS 200.366(3)(c).

That the Defendant willfully and unlawfully subjected another person, to-wit: S.B., who is a Child under the age of 14 years, to sexual penetration, to-wit: by inserting his penis into S.B.'s anus, against the victim's will or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct.

IN THE ALTERNATIVE TO COUNT 16,

COUNT 17

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

That the Defendant did willfully, unlawfully, feloniously, and lewdly commit a lewd or lascivious act other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, to-wit: S.B., and that said Defendant committed said act with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either the Defendant or of said minor child in the following manner: by inserting his penis into S.B.'s anus.

IN THE ALTERNATIVE TO COUNTS 16 AND 17,

COUNT 18

OPEN OR GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210.

The Defendant engaged in an act or acts of open and gross lewdness in the following manner: by inserting his penis into S.B.'s anus, all of which occurred in a place open to the public, in the Defendant's bedroom and/or a room in the Defendant's home.

COUNT 19

SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF 14 YEARS, A CATEGORY A FELONY AS DEFINED BY NRS 200.366(3)(c).

That the Defendant willfully and unlawfully subjected another person, to-

576

wit: S.B., who is a child under the age of 14 years, to sexual penetration, to-wit: by inserting his penis into S.B.'s mouth, against the victim's will or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct.

IN THE ALTERNATIVE TO COUNT 19,

COUNT 20

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

That the Defendant did willfully, unlawfully, feloniously, and lewdly commit a lewd or lascivious act other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, to-wit: S.B., and that said Defendant committed said act with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either the Defendant or of said minor child in the following manner: by inserting his penis into S.B.'s mouth.

IN THE ALTERNATIVE TO COUNTS 19 AND 20,

COUNT 21

OPEN OR GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210.

The Defendant engaged in an act or acts of open and gross lewdness in the following manner: by inserting his penis into S.B.'s mouth, all of which occurred in a place open to the public, in the Defendant's bedroom and/or a room in the Defendant's home.

COUNT 22

KIDNAPPING IN THE FIRST DEGREE, A CATEGORY A FELONY AS DEFINED BY NRS 200.310(1).

That the Defendant did willfully and unlawfully seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap or carry away another person, to-wit: O.M., with the intent to hold or detain, or held or detained, the victim for ransom, or reward, or for the purpose of committing sexual assault, extortion or robbery upon or from the victim, or for the purpose of killing the victim or inflicting substantial bodily harm upon the victim, or to exact money or valuables from others for the return or disposition of the victim,

by the following manner: pulled OM into a room and then sexually assaulted him by inserting his penis into O.M.'s anus.

IN THE ALTERNATIVE TO COUNT 22

COUNT 23

KIDNAPPING IN THE SECOND DEGREE, A CATEGORY B FELONY AS DEFINED BY NRS 200.310(2).

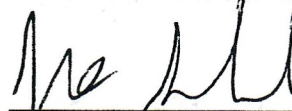
That the Defendant did willfully and without authority of law seized inveigled, took, carried away or kidnapped another person, to-wit: O.M., with the purpose of conveying him/her out of the State of Nevada without authority of law, or in any manner held to service or detained against his/her will.

All of which is contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Nevada. Said Complainant, therefore, prays that the Defendant(s) be dealt with according to law.

The undersigned hereby declares under penalty of perjury the foregoing Complaint is true to the best of his/her knowledge, information and belief.

Dated: July 8th, 2014.

MARK TORVINEN
ELKO COUNTY DISTRICT ATTORNEY



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

- { } Check if the victim in misdemeanor cases appears to have incurred uncompensated expenses because of the defendant's acts.
- { } Check if prosecutor wishes to be present at misdemeanor sentencing.

Pursuant to NRS 174.234 and NRS 171.1965 or NRS 174.235, discovery herein contains the name and last known address or place of employment of the witnesses the State intends to call during the case-in-chief in a misdemeanor trial.

578

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 24 day of July, 2014, I hereby served a copy of the AMENDED CRIMINAL COMPLAINT, by delivering, mailing, faxing, or by causing to be delivered, faxed, or mailed, a copy of said document to the following:

By delivering to:

THE HONORABLE MASON E. SIMONS
ELKO JUSTICE COURT
ELKO COUNTY COURTHOUSE
ELKO, NV 89801

By mailing to:

LORIEN B. COLE
ATTORNEY AT LAW
401 RAILROAD ST., SUITE 307
ELKO, NV 89801



KURRI SULLIVAN
FELONY CASEWORKER

DA #F-14-94099 / REPORT #: P14-0676 / OFFICER: JARED LOWRY / AGENCY:
EPD

579

Exhibit 4

STATE OF NEVADA

VS.

Devon Ray Hockemier

580

14-94099-KUR

**ELKO JUSTICE COURT
FULL CASE HISTORY**

Defendant: HOGKEMIER, DEVON RAY

Case #: 14 CR 00635 4E

File Date: 05/01/2014

2014 SEP -4 AM 11:46

Tkt/Cit # ELKO CO DISTRICT C. **CA**

Language Spoken: unknown

Status: CLOSED

Prosecuting Attorney: ELKO COUNTY DISTRICT ATTORNEY

Defense Attorney: LORIEN BARRETT
SHERBURNE MACFARLAN

COURT HEARING HISTORY

72 HOUR HEARING (ELKO JUSTICE)	Friday, June 20, 2014	10:42 am	72-HOUR HEARING HELD
FIRST APPEARANCE (ELKO JUSTICE)	Monday, June 23, 2014	3:00 pm	ARRAIGNMENT HEARING HELD
PRELIMINARY HEARING (ELKO JUSTICE)	Friday, July 11, 2014	8:00 am	PRELIMINARY HEARING CONTINUED - DE
MOTION HEARING (ELKO JUSTICE)	Thursday, August 14, 2014	9:00 am	HEARING HELD
PRELIMINARY HEARING (ELKO JUSTICE)	Monday, August 18, 2014	10:00 am	PRELIMINARY HEARING HELD

2014 SEP -4 PM 3:23
ELKO COUNTY DISTRICT ATTORNEY

581

CHARGE AND SENTENCE INFORMATION

1	SEXUAL ASSAULT W/CHILD UNDER 14	FELONY	Offense 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	Offense Date: 09/01/2009
Plea:	No Plea	Jail:	
Disposition:	08/18/2014 BINDOVER TO DISTRICT COURT	Accident:	
3	OPEN OR GROSS LEWDNESS	GROSS MISDEMEANOR	Offense 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	Offense 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	Offense Date: 09/01/2009
Plea:	No Plea	Jail:	
Disposition:	08/18/2014 BINDOVER TO DISTRICT COURT	Accident:	
6	OPEN OR GROSS LEWDNESS	GROSS MISDEMEANOR	Offense 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	Offense 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	Offense Date: 09/01/2009
Plea:	No Plea	Jail:	
Disposition:	08/18/2014 BINDOVER TO DISTRICT COURT	Accident:	
9	OPEN OR GROSS LEWDNESS	GROSS MISDEMEANOR	Offense 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	Offense 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	Offense Date: 09/01/2009
Plea:	No Plea	Jail:	
Disposition:	08/18/2014 BINDOVER TO DISTRICT COURT	Accident:	
12	OPEN OR GROSS LEWDNESS	GROSS MISDEMEANOR	Offense 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	Offense Date: 09/01/2009
Plea:	No Plea	Jail:	

582