

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEVON RAY HOCKEMIER,  
Appellant,

v.

RENEE BAKER, WARDEN LOVELOCK  
CORRECTIONAL CENTER (LLC),  
Respondent.

) CASE NO. 83147

Electronically Filed  
Nov 15 2021 02:14 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Appeal from the Order Denying Petitions for Writ of Habeas  
Corpus

Fourth Judicial District Court, County of Elko  
The Honorable Kriston N. Hill, District Court Judge, Dept. 1

JOINT APPENDIX (VOLUME 2)

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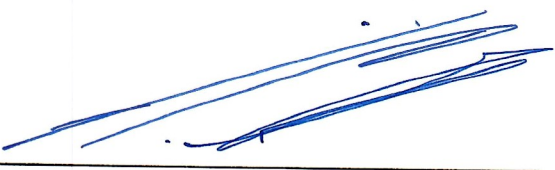


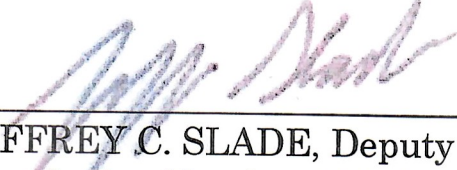
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Dated this 11<sup>th</sup> day of NOVEMBER, 2021. Dated this 26<sup>th</sup> day of Oct., 2021.

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CERTIFICATE OF SERVICE

I, BENJAMIN C. GAUMOND, certify that I am the owner of the  
BEN GAUMOND LAW FIRM, PLLC and that on the 15th day of  
November, 2021, I served a copy of the foregoing JOINT APPENDIX by:

(a) sending a copy via electronic service to the Clerk of the Supreme  
Court, the Elko County District Attorney's Office, and the Nevada  
Attorney General's Office; and

(b) mailing with postage prepaid one (1) copy to Devon Ray Hockemier,  
NDOC # 1140743, Lovelock Correctional Center, 1200 Prison  
Road, Lovelock, NV 89149.

DATED this 15th day of November, 2021.

  
BENJAMIN C. GAUMOND, Owner  
BEN GAUMOND LAW FIRM, PLLC

Case #: 14 CR 00635 4E

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(Exh. # 26 K)

11 of 11

Case #: 14 CR 00635 4E

Date	Action	Operator	Fine/Cost	Due
8/18/14	BELIEVE THAT THE DEFENDANT COMMITTED CRIMES 1-12, AND 16-23 IN THE CRIMINAL COMPLAINT. I HEREBY ORDER THE DEFENDANT TO BE BOUND ON FOURTH JUDICIAL DISTRICT COURT ON COUNTS 1-12.			
	DEFENDANT REMANDED TO THE ELKO COUNTY JAIL. BAIL IS SET AT \$3,500,000.00 BONDABLE. COURT ADOPTED THE ORDER.			
8/28/14	CASE CLOSED			
	CASE CLOSED	4EKM00RE		

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It's all

09:34:27

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CASE NO. 14 CR 00635 4E

IN THE JUSTICE COURT OF THE ELKO TOWNSHIP  
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA  
BEFORE THE HONORABLE MASON E. SIMONS  
JUSTICE OF THE PEACE

THE STATE OF NEVADA,  
PLAINTIFF,  
v.  
DEVON RAY HOCKEMIER,  
DEFENDANT.

COPY

TRANSCRIPT OF PROCEEDING  
PRELIMINARY HEARING  
August 18, 2014  
ELKO, NEVADA

Reported by:

Tonja Gill Lemich  
CSR No. 380

PAGE 1

RECEIVED AUG 27 2014

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1 APPEARANCES:

2 FOR THE PLAINTIFF:

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Deputies District  
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Elko, Nevada 89801

7 FOR THE DEFENDANT:

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919 Idaho Street  
Elko, Nevada 89801

12 \* \* \* \* \*

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2 STATE'S  
3 WITNESSES:

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1 TRANSCRIPT OF PROCEEDINGS

3 BE IT REMEMBERED that the Preliminary  
4 Examination in the above-entitled matter was held  
5 August 18, 2014, before MASON E. SIMONS, Judge of said  
6 court. The court reporter, TONJA GILL LEMICH, has been  
7 duly sworn.

9 THE COURT: The time is 10:01 a.m. The date,  
10 August 18th of 2014. We're here on 14 CR 00635 4E.  
11 This is a Justice Court proceeding captioned State of  
12 Nevada, plaintiff, versus Devon Ray Hockemier,  
13 defendant.

14 There was a Criminal Complaint originally filed  
15 in this matter on April 30th of 2014. It was followed  
16 up by an Amended Criminal Complaint that was filed on  
17 July 8th of 2014. The Amended Complaint charges 23  
18 various counts.

19 We do have the defendant present at this time in  
20 custody, along with his attorney, Mr. Macfarlan. We  
21 have present from the district attorney's office  
22 Mr. Schulman and Mr. Sharp.

23 This is the time set for a preliminary hearing  
24 in this particular matter. Are the parties ready to  
25 proceed?

PAGE 4

1 MR. SCHULMAN: The State is.

2 MR. MACFARLAN: We are, Judge.

3 THE COURT: Any witnesses to name,  
4 Mr. Schulman?

5 MR. SCHULMAN: I'll use some initials, if  
6 possible. OM, SB, Hydrie Overholser, Charles Bridge --

7 THE COURT: Hold on just a moment.

8 MR. SCHULMAN: Sorry.

9 THE COURT: My hand is not fast.

10 Hydrie Overholser.

11 MR. SCHULMAN: Charles Bridge, Pamela  
12 Ernestine.

13 THE COURT: Okay.

14 MR. SCHULMAN: Alicia Turner, Detective  
15 Hessing, and Carrie Power.

16 THE COURT: Mr. Macfarlan, anyone to name?

17 MR. MACFARLAN: No, Your Honor.

18 We would request the rule of exclusion:

19 THE COURT: The rule of exclusion has been  
20 invoked. What that means is anybody who was named as a  
21 potential witness in this particular proceeding will be  
22 required to have a seat in the hallway until you're  
23 specifically called in to testify. (244)

24 While you're seated in the hallway, you can  
25 have casual conversation amongst yourself or with

PAGE 5



1 anybody out in the hallway. But please refrain from  
2 discussing anything about this case.

3 If either of the attorneys need to go out in to  
4 the hallway to discuss your testimony with you, please  
5 speak quietly so none of the conversation is overheard  
6 by any of the other witnesses.

7 Who is your first witness?

8 MR. SCHULMAN: OM.

9 THE COURT: SB, Hydrie Overholser, Charles  
10 Bridge, Pamela Ernestine, Alicia Turner, Detective  
11 Hessing, and Carrie Turner will have a seat in the  
12 hallway until called upon to testify.

13 (Prospective witnesses left the courtroom.)

14 THE COURT: OM. Are you OM? Come up to the  
15 stand here, if you would. If I could get you to raise  
16 your right hand and be sworn.

17 (Witness sworn.)

18 THE WITNESS: (Nodding.)

19 THE COURT: Is that a "yes"?

20 THE WITNESS: Yes.

21 THE COURT: Go ahead and have a seat. Kind of  
22 scoot up there.

23 Do you want to just use that OM initial  
24 throughout the proceeding?

25 MR. SCHULMAN: Please.

PAGE 6

1 MR. MACFARLAN: Yes.

2 THE COURT: You'll notice that we have a court  
3 reporter. Do you see that lady sitting in front of you  
4 whose hands are moving? She writes down everything you  
5 speak in the courtroom.

6 So when you answer a question, speak up loudly  
7 and clearly so she can understand what you're saying in  
8 order to write it down.

9 When you're answering a question, please don't  
10 nod your head in response to a question, because she  
11 won't know what to write down. And try not to use  
12 expressions like "uh-huh," which makes it difficult to  
13 understand when we read it back later.

14 Go ahead, Mr. Schulman or Mr. Sharp.

15 MR. SCHULMAN: Mr. Sharp.

16 MR. SHARP: Thank you, Your Honor.

PAGE 7

1 OM,

2 the witness herein, being first duly sworn, testified  
3 as follows:

5 DIRECT EXAMINATION

6 BY MR. SHARP:

7 Q OM, is it okay? Are you a little nervous?

8 A Yes.

9 Q Yeah.

10 That's okay. I'm a little nervous, too.

11 OM, how old are you?

12 A Ten.

13 Q Ten years old.

14 What grade are you going to be going into this  
15 coming fall?

16 A Fifth.

17 Q Did you enjoy fourth grade?

18 A Uh-huh.

19 Q What was your favorite subject in school?

20 A Uhm, it was mostly computer lab. Because I got  
21 to play a lot of fun stuff, like there -- like abc.com.  
22 It helps you type better.

23 Q Excellent. Excellent.

24 Do you like to play any sports?

25 A Uhm, football.

PAGE 8

1 Q Football. Sounds good.

2 OM, do you know what the difference is between  
3 the truth and a lie?

4 A Uh-huh.

5 Q What is a lie?

6 A You're saying something wrong.

7 Q That's right.

8 So, for example, if I were to say that I had  
9 green hair and yellow skin, would that be the truth or  
10 a lie?

11 A That would be a lie.

12 Q If I were to say that this gentleman right here  
13 to my right had glasses, would that be the truth or a  
14 lie?

15 A That would be the truth.

16 Q So do you remember when you raised your hand,  
17 you told the judge you would tell the truth?

18 A Yes.

19 Q Okay. So when I go through and ask you some of  
20 these questions, it's important to know if you don't  
21 understand something, say you don't remember. And if  
22 you don't understand a question, just say, I don't  
23 understand. That's just fine. Okay?

24 A Okay.

25 Q All right. Some of these questions will be a

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1 little bit embarrassing, but that's okay, too. We  
2 understand. All right?  
3 A (Nodding.)  
4 Q OM, do you remember living with somebody by the  
5 name of Pam?  
6 A Yes.  
7 Q Do you remember about how old you were when you  
8 lived with Pam?  
9 A About four or five.  
10 Q Four or five. Okay.  
11 Do you remember -- do you remember where her  
12 house was?  
13 A You know the big mountain way over there  
14 (indicating)?  
15 Q Okay.  
16 A It's, like, in those apartments.  
17 Q Uh-huh.  
18 A It's on the second or the first street, because  
19 I don't remember it, because I haven't seen it for a  
20 long time. And it's maybe about six or seven houses  
21 up.  
22 Q All right. Okay. And was it in a house?  
23 A (Nodding.)  
24 THE COURT: Is that a "yes"?  
25 THE WITNESS: Yes.

PAGE 10

1 Q BY MR. SHARP: Thank you. All right.  
2 Now, when you lived with Pam, do you remember  
3 who else lived there?  
4 A Devon, my mom, Chuck, Damian, Scott.  
5 Q Okay. I'm going to have you slow down a little  
6 bit so you can tell me who these people are.  
7 When you say "Devon," is Devon in the courtroom  
8 today?  
9 A Uhm, yes.  
10 Q Can you point to him and describe what he's  
11 wearing?  
12 A Red.  
13 Q Red, is that what you're saying?  
14 A Uh-huh.  
15 MR. SHARP: Let the record reflect that OM has  
16 identified the defendant.  
17 THE COURT: The record will so reflect.  
18 Q BY MR. SHARP: Who else lived there?  
19 A My mom.  
20 Q What's your mom's name?  
21 A Hydie.  
22 Q And who else?  
23 A Chuck.  
24 Q And who is Chuck?  
25 A My step-dad.

PAGE 11

1 Q Who else?  
2 A Scott.  
3 Q Scott. And who is Scott?  
4 A My older brother.  
5 Q Your older brother.  
6 Okay. Anybody else?  
7 A And Dee.  
8 Q Who?  
9 A Dee.  
10 Q Who is Dee?  
11 A Damian.  
12 Q Okay. All right. And when you -- when you  
13 lived there, do you remember about what time of year it  
14 was? Do you remember, was it springtime, during the  
15 wintertime?  
16 A It was, uhm, spring. But I don't remember what  
17 year. I don't remember the --  
18 Q Okay. Now, OM, when you were living there, did  
19 something happen with you and Devon?  
20 A Uh-huh.  
21 THE COURT: Is that a "yes"?  
22 THE WITNESS: Yes.  
23 MR. SHARP: Thank you.  
24 Q BY MR. SHARP: Can you tell the Court what  
25 happened?

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1 A Uhm, he put me in his mom's room and put his  
2 thing in me.  
3 Q Okay. We're going to back up. And I know this  
4 is embarrassing. When you say that he put you in his  
5 mom's room, how did he put you in his mom's room?  
6 A He just told me to go in there. And there was  
7 a blanket, or his pillows. And there was a TV, or  
8 movies in there.  
9 Q So when he told you to go in there, do you  
10 remember what he said exactly?  
11 A Huh-uh.  
12 THE COURT: Is that a "no"?  
13 THE WITNESS: Yes, it's a no.  
14 MR. SHARP: Thank you.  
15 Q BY MR. SHARP: Do you remember, did he threaten  
16 you to get you to go in there?  
17 A No, he didn't.  
18 Q Okay. So he just told you to go in to his  
19 mom's room; is that right?  
20 A Uh-huh, yes.  
21 Q Do you remember what his mom's room looked  
22 like?  
23 A Uhm, it -- I just said half of it.  
24 Q Okay.  
25 A And it had some flowers in it. And that's it.

PAGE 13



1 And windows. And that's it.  
2 Q So he would tell you to go in there. And in to  
3 his mom's bedroom.  
4 And his mom's name is Pam, right?  
5 A Uh-huh.  
6 Q What would he do?  
7 A Put his thing in me.  
8 Q When you say "his thing," what do you mean by  
9 "his thing"?  
10 A Private.  
11 Q His private.  
12 Would that be his penis?  
13 A (Nodding.)  
14 THE COURT: Is that a "yes"?  
15 THE WITNESS: Yes, it is.  
16 Q BY MR. SHARP: When you said he would put it in  
17 you, how would he put it in you?  
18 A He would pull down my pants and do it.  
19 Q Uhm, he would pull down your pants. Would his  
20 pants be pulled down?  
21 A Only the front.  
22 Q Okay. So would his underwear be pulled down,  
23 as well?  
24 A I don't know.  
25 Q Okay. So when he would put -- put it in you,

PAGE 14

1 where would he put it?  
2 A In the bottom.  
3 Q In your bottom?  
4 A Uh-huh.  
5 Q When you say your bottom, do you mean where you  
6 go poop?  
7 A Uh-huh.  
8 THE COURT: Is that a "yes"?  
9 THE WITNESS: Yes, it is.  
10 MR. SHARP: Thank you.  
11 Q BY MR. SHARP: When he would do that, would it  
12 hurt?  
13 A Yes.  
14 Q Okay.  
15 A He covers my mouth so I don't scream for help.  
16 And he does it when everyone is gone.  
17 Q So no one was in the house at the time when he  
18 would do it?  
19 A Uh-huh.  
20 Q And everyone was gone?  
21 A (Nodding.)  
22 THE COURT: Is that a "yes"?  
23 THE WITNESS: Yes, it is.  
24 Q BY MR. SHARP: And he would cover your mouth;  
25 is that right?

PAGE 15

1 A Uh-huh.  
2 THE COURT: Is that a "yes"? Make sure instead  
3 of saying "uh-huh," you say "yes" or "no." Okay?  
4 THE WITNESS: Yes.  
5 Q BY MR. SHARP: After -- after that would  
6 happen, would your bum hurt? Did you notice, would it  
7 bleed or anything like that?  
8 A No. It would just hurt for a while.  
9 Q Okay. About how many times did Devon do that?  
10 A About three or four.  
11 Q Three or four.  
12 And when I say "that," I mean he would put his  
13 penis in your bum?  
14 A Uh-huh.  
15 THE REPORTER: Is that a "yes" or "no"?  
16 THE WITNESS: Yes, it is.  
17 Q BY MR. SHARP: All right. Did Devon ever do  
18 anything else to your private parts?  
19 A No, he did not.  
20 Q Okay. Did Devon have you do anything to his  
21 private parts?  
22 A No.  
23 Q So it was just him putting his thing in your  
24 bottom, right?  
25 A Uh-huh.

PAGE 16

1 THE COURT: Is that a "yes"?  
2 THE WITNESS: Yes, it is.  
3 MR. SHARP: Thank you.  
4 Q BY MR. SHARP: And you said that happened about  
5 four or five times; is that right?  
6 MR. MACFARLAN: Excuse me, Judge, that was not  
7 his testimony. His testimony was three or four times.  
8 THE COURT: That's correct.  
9 Q BY MR. SHARP: I apologize. Did you say three  
10 or four times?  
11 A (Nodding.)  
12 THE COURT: Is that a "yes"?  
13 THE WITNESS: Yes.  
14 MR. SHARP: Court's indulgence, Judge?  
15 THE COURT: Yes.  
16 Q BY MR. SHARP: And, OM, this is an easier  
17 question. What is your birth date? What is your date  
18 of birth?  
19 A 2004, April 26th.  
20 MR. SHARP: April 26th, 2004. Excellent.  
21 I have no further questions at this time.  
22 THE COURT: Cross examine, Mr. Macfarlan.  
23  
24  
25

PAGE 17



CROSS-EXAMINATION

1  
2 BY MR. MACFARLAN:  
3 Q OM, my name is Sherb. And I've got a couple of  
4 questions for you. Okay?  
5 A Okay.  
6 Q And just as when Tanner was asking you  
7 questions, if you don't understand or don't remember,  
8 just let me know. Okay?  
9 A Yes.  
10 Q And as the judge indicated, it's important for  
11 you to say "yes" or "no," so the court reporter can get  
12 it all down. Okay?  
13 A Uh-huh.  
14 Q Is that a "yes"?  
15 A Yes.  
16 Q Okay. Now, do you remember how long you and  
17 your family lived with Pam and Devon?  
18 A No.  
19 Q But your memory is that you lived with Pam and  
20 Devon during the springtime?  
21 A Yes. That is actually true. Ask my parents.  
22 Q I'm sorry?  
23 A Yes. That is true. Even ask my parents.  
24 Q And when you and your family were living with  
25 Pam, did Pam have a job?

PAGE 18

1 A I don't remember.  
2 Q How about your mom, Hydrie, did she have a job?  
3 A (Nodding.) I don't remember, because it was a  
4 long time ago. But I know she had a job.  
5 Q And did Charles have a job, as well?  
6 A I don't know.  
7 Q Now, when you say that these things happened to  
8 you between you and Devon, was anybody else in that  
9 house at that time?  
10 A Uhm, no. No one was.  
11 Q Do you remember whether it was day or night  
12 when you say these things happened?  
13 A Day.  
14 Q Daytime?  
15 A (Nodding.) Yes.  
16 Q Okay. And when you were living with Devon and  
17 Pam, do you believe you were four or five years old?  
18 A Yes.  
19 Q Were you in Kindergarten back then, or do you  
20 remember?  
21 A I was about -- in about first grade.  
22 Q So you remember you were in school, right?  
23 A Uh-huh. Northside Elementary.  
24 Q Do you remember talking with a police officer  
25 about this matter?

PAGE 19

1 A Yes.  
2 Q Do you remember telling the police officer that  
3 Devon put his private in your butt on only two  
4 occasions?  
5 A Uh-huh.  
6 Q Do you remember telling the officer that?  
7 A Yeah.  
8 Q So was it two occasions, or was it more than  
9 two times?  
10 A What do you mean?  
11 Q Well, you told the police officer that Devon  
12 put his private in your bottom twice; is that correct?  
13 A About. You said three or four times.  
14 Q I'm asking you, do you remember telling the  
15 police officer that Devon only put his private in your  
16 bottom twice?  
17 A Uhm, I don't know. I don't remember. I  
18 haven't seen that guy. I only seen him twice there.  
19 Q But as you sit here today, how many times do  
20 you remember Devon putting his private in your bottom?  
21 A About five or six times.  
22 Q Uhm, okay.  
23 Now, did this all happen in a short period of  
24 time, or was it over a long period of time?  
25 A About -- both.

PAGE 20

1 Q Both.  
2 Did you tell anyone about this?  
3 A No.  
4 Q Do you remember telling the police officer that  
5 you told your mom, Hydrie, about this?  
6 A Yes, uh-huh.  
7 Q Did you tell your mom, Hydrie, about this?  
8 A Yes.  
9 Q And what was your mom's -- how did your mom act  
10 when you told her about this?  
11 A Scared. Because Devon said I told everyone he  
12 would kill me.  
13 Q What is the reason that you and your family  
14 stopped living with Pam and Devon, if you know?  
15 A Because -- I don't know.  
16 Q You don't know.  
17 Do you remember telling the police officer that  
18 someone was trying to kill you with an axe?  
19 A No.  
20 Q Do you remember telling the police officer that  
21 Angel tried to kill you with an axe?  
22 A Angel? No. But I do know an Angel.  
23 Q Pardon?  
24 A I do know him.  
25 Q You do know an Angel?

PAGE 21

1 A There's two of them.  
2 Q Does -- do you know a young boy by the name of  
3 Damian?  
4 A Yes.  
5 Q And is Damian's older brother Angel?  
6 A Uh-huh.  
7 THE COURT: Is that a "yes"?  
8 THE WITNESS: Yes, it is.  
9 Q BY MR. MACFARLAN: Are you friends with Damian  
10 and Angel?  
11 A Not anymore. They're mean. They ditched us  
12 all the time. Sometimes when we'd play with them, they  
13 said we're going home and getting a drink. About  
14 15 minutes later, when we knock on the door, they say,  
15 I'm staying inside.  
16 Q So they'd ditch you. That's not very nice.  
17 But you never told the police officer that  
18 Angel tried to kill you with an axe?  
19 A Huh-uh.  
20 THE COURT: Is that a "no"?  
21 THE WITNESS: No, it isn't. And I don't  
22 remember I told him he tried to kill me with an axe.  
23 THE COURT: Okay.  
24 Q BY MR. MACFARLAN: Besides your mom, did you  
25 ever tell anybody else about what happened between you

PAGE 22

1 and Devon?  
2 A My counselor.  
3 Q At school?  
4 A No. I don't have one at Northside Elementary.  
5 The city's.  
6 Q So this is another counselor that you're seeing  
7 now?  
8 A Uh-huh.  
9 Q Is that a "yes"?  
10 A Yes, it is.  
11 MR. MACFARLAN: I think that's all we got,  
12 Judge.  
13 THE COURT: Redirect.  
14 MR. SHARP: Thank you, Your Honor.  
15  
16 REDIRECT EXAMINATION  
17 BY MR. SHARP:  
18 Q OM, do you remember living with Devon and Pam  
19 any other time, or did you just live with them that one  
20 time?  
21 A We lived with them about -- over about a year.  
22 Q So you lived with them for about a year?  
23 A Uh-huh.  
24 Q And other than that year, did you ever live  
25 with them again, or go back and see them, or anything

PAGE 23

1 like that?  
2 A Huh-uh. We straight left. We packed all of  
3 our stuff and left.  
4 Q And you never went back?  
5 A Huh-uh. My mom did come back once and knocked  
6 on the door, but they moved and some different  
7 person --  
8 Q They moved.  
9 So did you see Devon after that?  
10 A After --  
11 Q After you lived with them for that year.  
12 A Uhm, I did see him at the movie theaters. He  
13 was the one that was giving out the tickets and all of  
14 that.  
15 Q All right. Did he say anything to you when you  
16 would see him, or do anything?  
17 A No. He didn't say anything. I didn't either.  
18 My mom said, Hi, Devon, and I just did this  
19 (indicating).  
20 MR. SHARP: Let the record reflect that OM is  
21 waving his hand a little bit.  
22 THE COURT: The record will so reflect.  
23 Q BY MR. SHARP: And before you lived with Devon  
24 and Pam for that year, had you lived with them before  
25 that?

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1 Let me rephrase that. So you lived with Devon  
2 and Pam for that one year. Was that the only time that  
3 you lived with them?  
4 A Uh-huh.  
5 THE COURT: Is that a "yes"?  
6 THE WITNESS: Yes, it is.  
7 Q BY MR. SHARP: You told Sherb that you had told  
8 your counselor about what happened between you and  
9 Devon; is that correct?  
10 A It was really hard, too, because I didn't know  
11 how to say it. And she told me to write it on paper.  
12 Q That's good.  
13 A And she said I could burn it, or break it, or  
14 rip it up in pieces.  
15 Q Is this the counselor that you have now?  
16 A Yes. Her name is Tracy.  
17 Q So how long ago would you have told her?  
18 A Because I didn't see her for a long time. So  
19 about three months ago.  
20 Q So about three months ago is when you would  
21 have told her. Okay.  
22 Now, Sherb mentioned that -- asked you about  
23 telling your mom, right?  
24 A Yes.  
25 Q About what happened with Devon?

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1 A Uh-huh.  
2 Q Do you remember when you told your mom that?  
3 A It was on the first day when the cop came.  
4 Q Okay. So it was -- was this when you first  
5 told the officer about what happened?  
6 A Uhm, yes.  
7 Q Okay. And that would have been -- would that  
8 have been last year?  
9 A Uhm, that was when I was in fourth grade.  
10 Q Okay. And were you in fourth grade last year?  
11 A Uh-huh.  
12 THE COURT: Is that a "yes"?  
13 THE WITNESS: Yes.  
14 MR. SHARP: Thank you.  
15 Q BY MR. SHARP: Did you ever tell your mom  
16 before? Did you ever try telling her before last year  
17 when you spoke with the officer?  
18 A (Shaking head) -- wait, yes, I did tell her.  
19 Wait. Before?  
20 Q Yes. Do you remember telling her right after  
21 it happened?  
22 A I told her about the cop. And I told her about  
23 Devon. And then she started getting so crazy, and she  
24 said I forgot one thing, and that's to call her to come  
25 to my school to talk with them with me.

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1 MR. SHARP: Thank you, Your Honor. I have no  
2 further questions at this time.  
3 THE COURT: Mr. Macfarlan.  
4 MR. MACFARLAN: Nothing based on that, Judge.  
5 THE COURT: Do you want this witness retained?  
6 MR. SHARP: Yes, Your Honor. Thank you.  
7 THE COURT: You'll go ahead and have a seat  
8 back in the hallway for a little while. Please do not  
9 discuss your testimony with anybody. Okay?  
10 THE WITNESS: I won't. Thank you.  
11 (The witness left the stand.)  
12 THE COURT: Next witness, Mr. Schulman or  
13 Mr. Sharp?  
14 MR. SCHULMAN: SB.  
15 (Witness sworn.)  
16 THE COURT: You'll notice, if you look right in  
17 front of you, there's a lady sitting there with an --  
18 it looks like a typewriter in front of her. She's the  
19 court reporter, and she's going to be taking down  
20 everything that's spoken in the courtroom.  
21 When you answer any question that is posed to  
22 you in the courtroom, make sure you speak up loudly and  
23 clearly so she can take it down.  
24 I would also ask when you answer a question,  
25 try to avoid nodding your head in response to an

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1 answer. That makes it difficult for her to take it  
2 down when you do that.  
3 And avoid using expressions like "uh-huh." It  
4 would be confusing when we read it back later. So  
5 answer questions "yes" or "no," if you can. Okay?  
6 THE WITNESS: Okay.  
7 THE COURT: Go ahead, Mr. Schulman.  
8  
9 SB,  
10 the witness herein, being first duly sworn, testified  
11 as follows:  
12  
13 DIRECT EXAMINATION  
14 BY MR. SCHULMAN:  
15 Q We'll use your initials for the proceeding.  
16 Are your initials SB?  
17 A Yes.  
18 Q Are you in school these days, or are you going  
19 back to school?  
20 A Well, yeah.  
21 Q What grade are you going in to?  
22 A Ninth.  
23 Q Are you looking forward to going? That's high  
24 school. Are you looking forward to go to school?  
25 A No. I don't like school.

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1 Q Mr. Macfarlan and I are going to ask you some  
2 questions.  
3 A Okay.  
4 Q If you don't remember, saying "I don't  
5 remember" is perfectly fine. If you don't know, that's  
6 fine, as well.  
7 The judge just wants to hear the truth. Okay?  
8 A Okay.  
9 Q Is that okay?  
10 A Yep.  
11 Q Okay. Do you know Devon Hockemier?  
12 A Yeah.  
13 Q Is he in court today?  
14 A (Indicating.)  
15 Q Can you tell us what he's wearing?  
16 A Red.  
17 MR. SCHULMAN: May the record reflect the  
18 witness identified the defendant?  
19 THE COURT: The record will so reflect.  
20 MR. SCHULMAN: Thank you.  
21 Q BY MR. SCHULMAN: What's your date of birth?  
22 A 7-17-99.  
23 Q 7-17 -- sorry?  
24 A 7-17-99.  
25 Q 1999.

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1 Some of us older folks have hearing issues, so  
2 you need to speak up for us.

3 A Okay.

4 Q Thank you.

5 Was there a period of time when you lived with  
6 Devon?

7 A Yes.

8 Q Do you know when that was?

9 A Uhm, no, I don't remember the dates.

10 Q That's okay.

11 Do you know what time of year it was?

12 A No. It was a couple of years ago, though.

13 MR. MACFARLAN: I'm sorry, Judge. I'm having  
14 difficulty hearing SB.

15 THE COURT: Can you pull that microphone up to  
16 you? Speak in the direction of the microphone. It  
17 will amplify your voice.

18 Q BY MR. SCHULMAN: I'll repeat the last  
19 question. Do you recall what time of year you were  
20 living with --

21 A No. I don't remember the year.

22 Q What time of year?

23 A Like winter, or sometime.

24 Q Winter.

25 Who were you living with at the time?

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1 A Devon, and I do believe it was his mother, Pam.

2 Q Okay. Was anybody else living with you?

3 A My father, Hydie, Damian, and OM. Is that what  
4 you're --

5 Q I know it's hard to remember, instead of  
6 calling him by his name. I know it's hard.

7 And your father's name is?

8 A Charles Bridge.

9 Q Charles. Thank you.

10 Do you recall where you were living?

11 A The -- in the trailer park on Bullion.

12 Q And you all -- was this -- what kind of home  
13 were you living at? Was it a trailer, an apartment?

14 A A trailer.

15 Q And all of you were living in the trailer?

16 A Yes.

17 Q Okay. Did any incidents happen between you and  
18 Devon?

19 A Yes.

20 Q Can you tell the Court what happened?

21 A Well, there was multiple.

22 Q Let's start off with the first one.

23 A I don't really remember the first one. I don't  
24 remember when he got me or anything.

25 Q Okay. Do you know how many months you were

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1 living with Pam, Devon?

2 A A couple. Like somewhere near six, I think,  
3 maybe. About a half year.

4 Q Maybe six months.

5 What do you remember from the first time?

6 A Uhm, well, I remember it getting colder. Like,  
7 I kind of remember his room.

8 Q Can you describe his room?

9 A His room is like a castle, brick-wall type  
10 painting on the walls.

11 Q Do you recall having a conversation with a  
12 Detective Hessing?

13 A Yes.

14 Q And he was -- he wanted to talk to you about  
15 things that might have happened to you?

16 A Yes.

17 Q Do you recall what you told him?

18 A Yeah.

19 Q Can you tell the Court what you told Detective  
20 Hessing?

21 A Well, like, I used the term downstairs parts.

22 Q What do you consider downstairs parts? Is that  
23 where you go the bathroom?

24 A Yeah, where you go pee, I guess.

25 Q And what about those downstairs parts?

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1 A Well, there was multiple times. But he tried  
2 to put it in me.

3 Q "He" being?

4 A Devon.

5 Q Devon.

6 And you said he tried to put it in you?

7 A Yeah. Multiple times. Like a couple.

8 Q Two times?

9 A Two or three -- two. Two times.

10 Q When you say "a couple," "couple" usually means  
11 two. But I don't want to put words in your mouth.

12 A Two.

13 Q Two times?

14 A Yeah.

15 Q And you said, "he tried to put it." What is  
16 "it"?

17 A The downstairs part.

18 Q He was trying to put his penis --

19 A Yes.

20 Q -- in to you?

21 A Yes.

22 Q What part of you?

23 A My butt hole.

24 Q Did you and Detective Hessing talk about your  
25 pants during one of those times?

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1 A Yes.  
2 Q What did you tell Detective Hessing about?  
3 A Like, I don't remember what I exactly told him.  
4 But, like, there was a time, like, where Devon, like,  
5 tried to use this -- I don't know what it was. But it  
6 was like this thing that apparently would make it  
7 easier for him to put his downstairs parts in me.  
8 Q Did he -- did his -- was he able to put his  
9 downstairs parts in to you?  
10 A No. I wouldn't let him.  
11 Q Did you feel anything when he tried to?  
12 A Well, I guess -- yeah, it was kind of like a  
13 ripping feeling.  
14 Q Were you -- were you in pain?  
15 A Huh?  
16 Q Were you in pain?  
17 A A little bit.  
18 Q On each time?  
19 A Yeah.  
20 Q Did Devon -- was Devon trying to talk you in to  
21 doing this?  
22 A Yeah.  
23 Q How many times?  
24 A Like two or three, I guess.  
25 Q But each time you told him no?

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1 A (Nodding.)  
2 Q Is that a "yes"?  
3 A Yeah; sorry.  
4 Q Outside of here and Detective Hessing, did you  
5 ever tell anybody?  
6 A No.  
7 MR. SCHULMAN: Thank you. I have no further  
8 questions.  
9 THE COURT: Cross examination, Mr. Macfarlan.  
10  
11 CROSS-EXAMINATION  
12 BY MR. MACFARLAN:  
13 Q SB, my name is Sherb. Last name is Macfarlan.  
14 But everybody calls me Sherb.  
15 If you don't understand what I'm asking, tell  
16 me and I'll try to rephrase it.  
17 A Okay.  
18 Q How old are you today as you sit here in the  
19 courtroom?  
20 A I am 15.  
21 Q Do you have any idea about how old you were  
22 when you lived with Devon and Pam?  
23 A Like 10 or 11, maybe.  
24 Q Do you remember what school grade you were in?  
25 A No. I do not remember.

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1 Q Okay. And you just told John here a moment ago  
2 that before you told Detective Hessing about this, you  
3 had never told anyone before?  
4 A No.  
5 Q And do you mind asking why -- me asking you why  
6 you never told anybody before?  
7 A I guess I was kind of ashamed.  
8 Q Now, when you say this occurred between you and  
9 Devon, this was at the trailer on Bullion Road; is that  
10 correct?  
11 A Yeah. In his room.  
12 Q And as I understand it, there were a number of  
13 people that were living in the trailer with you; is  
14 that correct?  
15 A Yeah.  
16 Q There was your dad, Scott, Hydie, your brother,  
17 we're using OM for his initials. And then Devon and  
18 Pam. Is that your memory, as well?  
19 A Well, my father's name is Charles.  
20 Q Okay. When you say this occurred between you  
21 and Devon, was anyone else in the trailer?  
22 A Uhm, not normally -- well, other than Pam. But  
23 she was, like, in her room.  
24 Q So you remember Pam being present at least on  
25 one occasion?

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1 A Yeah. Like in her room.  
2 Q Okay. And where in the trailer do you remember  
3 this occurring between you and Devon?  
4 A Devon's room.  
5 Q Do you remember talking with the detective in  
6 this case, Detective Hessing?  
7 A Yeah.  
8 Q And obviously you discussed what had occurred  
9 between you and Devon with Detective Hessing, did you  
10 not?  
11 A Yes.  
12 Q And do you recall telling the detective that  
13 this only happened one time between you and Devon?  
14 A No.  
15 Q What do you remember telling the detective?  
16 A I remember telling him it happened multiple  
17 times, like a lot. Like, I don't think I could count  
18 them, I guess.  
19 Q Well, can you -- can you even just try to give  
20 a best guess in terms of how many times you think this  
21 happened between you and Devon?  
22 A Somewhere between 20 and 30.  
23 Q So if I understand you correctly, the only  
24 thing that ever happened between you and Devon was him  
25 trying to put his penis in your bottom?

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1 A No. That's not all that happened.  
2 Q When you spoke with the detective, were you  
3 trying to be as truthful as possible with the  
4 detective?  
5 A Yeah, kind of. Like, I guess I was kind of too  
6 ashamed to say everything.  
7 Q Uh-huh.  
8 A But I told him the truth.  
9 MR. MACFARLAN: That's all we got, Judge.  
10 THE COURT: Redirect.  
11 MR. SCHULMAN: Thank you.  
12  
13 REDIRECT EXAMINATION  
14 BY MR. SCHULMAN:  
15 Q You said that was not the only thing that  
16 happened. What else happened?  
17 A Uhm, oral.  
18 Q Oral sex?  
19 A (Nodding.)  
20 Q Is that a "yes"?  
21 A Yes.  
22 Q I know it's kind of embarrassing. You haven't  
23 done anything wrong. No one is judging you. The judge  
24 here just needs to hear the truth.  
25 A Okay.

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1 Q And when you say "oral sex," what does that  
2 mean to you?  
3 A Like, a blow job.  
4 Q Is that putting someone's mouth on someone's  
5 penis?  
6 A Yes.  
7 Q And did that happen to you?  
8 A Yes.  
9 Q Can you tell us what happened?  
10 A Like, I guess that's almost exactly how it  
11 happened.  
12 Q Who -- who performed it? Who was the one --  
13 A Devon.  
14 Q So Devon put your penis in his mouth?  
15 A Yes.  
16 Q Do you know how many times that happened?  
17 A No.  
18 MR. SCHULMAN: That's okay.  
19 I have no further questions, Your Honor.  
20 THE COURT: Recross?  
21 MR. MACFARLAN: Nothing based on that, Judge.  
22 THE COURT: Do either party wish this witness  
23 retained?  
24 MR. SCHULMAN: Please.  
25 THE COURT: We may have to call you back to

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1 provide some additional testimony. So have a seat out  
2 in the hallway. And please don't discuss your  
3 testimony with anybody. Thank you.  
4 (The witness left the stand.)  
5 MR. SCHULMAN: Charles Bridge.  
6 (Witness sworn.)  
7 THE COURT: If I can get you to state your full  
8 name. And I want you to spell your last name for the  
9 record.  
10 THE WITNESS: My names is Charles Scott Bridge.  
11 B-r-i-d-g-e.  
12 THE COURT: Notice we have a court reporter  
13 that's taking down everything that's being spoken in  
14 the courtroom. Make sure when you answer any questions  
15 posed to you, answer loudly and clearly so she can  
16 understand what you're saying.  
17 Try to avoid nodding your head or saying  
18 "uh-huh," because it makes it difficult when we read it  
19 back later.  
20 Go ahead, Mr. Schulman.  
21  
22  
23  
24  
25

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1 CHARLES BRIDGE,  
2 the witness herein, being first duly sworn, testified  
3 as follows:  
4  
5 DIRECT EXAMINATION  
6 BY MR. SCHULMAN:  
7 Q These questions we'll ask about your kids or  
8 step kids, if you would use their initials, that would  
9 be good.  
10 A Okay.  
11 Q Do you know Devon Hockemier?  
12 A Yes, sir.  
13 Q Is he in court today?  
14 A Yes, sir.  
15 Q Can you please point to this person and  
16 describe an article of clothing he's wearing?  
17 A He's sitting over there in the red, red jail  
18 suit.  
19 MR. SCHULMAN: May the record reflect the  
20 witness identified the defendant?  
21 THE COURT: The record will so reflect.  
22 Q BY MR. SCHULMAN: Was there a period of time  
23 when you lived with Mr. Hockemier?  
24 A Yes. Him and his mom.  
25 Q And his mother's name is Pam?

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1 A Yes.  
2 Q Who else was living with you at that time?  
3 A It was myself, Hydrie, uhm, my son SE, my  
4 stepson OM, and my other son, Damian Bridge.  
5 Q Do you know what the address was of this  
6 location?  
7 A 651 Bullion.  
8 Q Bullion?  
9 A Yeah. Bullion Road. I'm not sure about the  
10 trailer number.  
11 Q That's okay.  
12 Do you know what -- when you were living with  
13 Pam and Devon?  
14 A Uhm, he was 17. And we were there for his 18th  
15 birthday.  
16 Q We don't -- do you have a general idea when  
17 that is?  
18 A Like, maybe 2010, 2011. Somewhere around  
19 there.  
20 Q 2009 or 2010, would that be --  
21 MR. MACFARLAN: Judge, we would object to the  
22 leading question. I think the witness' answer was  
23 2010, 2011.  
24 Q BY MR. SCHULMAN: 2010, 2011?  
25 THE COURT: I'll sustain the objection.

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1 THE WITNESS: Somewhere around there.  
2 MR. SCHULMAN: That's all I got, Judge.  
3 THE COURT: Cross?  
4 MR. MACFARLAN: Nothing based on that, Judge.  
5 THE COURT: Do either party wish this witness  
6 to be retained, or can he be excused at this time?  
7 MR. SCHULMAN: Retained.  
8 THE COURT: Have a seat back in the hallway.  
9 We may have to call you in to provide additional  
10 testimony. So please don't discuss your testimony with  
11 anybody else.  
12 THE WITNESS: Not a problem. Thank you.  
13 (The witness left the stand.)  
14 THE COURT: Next witness from the State?  
15 MR. SHARP: The State will now call Carrie  
16 Power.  
17 THE COURT: Please raise your right hand and be  
18 sworn.  
19 (Witness sworn.)  
20 THE COURT: If I can get you to state your full  
21 name, and then to spell your first and last name for  
22 the record.  
23 THE WITNESS: Carrie Elizabeth Power.  
24 C-a-r-r-i-e. P-o-w-e-r.  
25 THE COURT: Thank you.

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1 Go ahead, Mr. Sharp.  
2 MR. SHARP: Thank you.  
3  
4 DIRECT EXAMINATION  
5 BY MR. SHARP:  
6 Q Ms. Power, how are you employed?  
7 A I'm a nurse practitioner at Morning Star Health  
8 Center.  
9 Q How long have you been employed there?  
10 A Seven years.  
11 Q For seven years.  
12 And what kind of training and experience do you  
13 have as a nurse practitioner?  
14 MR. MACFARLAN: Your Honor, for purposes of the  
15 preliminary hearing, I've had contact with Ms. Powers  
16 in other cases. For purposes of the preliminary  
17 hearing, we would be willing to stipulate as to her  
18 expertise.  
19 THE COURT: So noted for the record.  
20 MR. SHARP: Thank you.  
21 Q BY MR. SHARP: Ms. Power, on November 25, 2014,  
22 did you have occasion to perform a CARES exam on -- I'm  
23 going to call him OM?  
24 A Yes, I did.  
25 Q Did you happen to see OM in the hallway as you

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1 came in?  
2 A I did.  
3 Q Can you describe for the Court what the basics  
4 of a CARES exam is and what's involved in that  
5 procedure?  
6 A It is a head-to-toe examination, with a lot of  
7 emphasis on the genital areas, looking for signs of  
8 abuse; sexual abuse, specifically.  
9 Q And looking at your report, I want to go  
10 through a couple of things.  
11 On page 2 of your report, it shows in the upper  
12 left-hand corner that the name of historian is Charles  
13 Price; is that correct?  
14 A No. It was Charles Bridge. I misunderstood  
15 his name when he said that. I wrote down the wrong  
16 last name.  
17 Q All right. When you performed the CARES exam  
18 on OM, I know he made several disclosures to you.  
19 There were a couple I wanted to point out specifically.  
20 He -- did he disclose to you that a young man  
21 by the name of Devon had penetrated him with his penis?  
22 A Yes, he did.  
23 Q Okay. Did he describe to you how Devon was  
24 able to -- sorry, let me back up a little bit.  
25 Did OM describe for you where this took place?

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1 A Yes. He said it took place in his mom's room.  
2 Q Okay. And when you say "his mom's room," who  
3 are you referring to?  
4 A Uhm, he wasn't specific. He said, "his mom's  
5 room."  
6 Q Did he describe for you how Devon got him in to  
7 his mom's room?  
8 A He said he was walking down the hall, and Devon  
9 reached out from the room, from behind him, putting his  
10 hand over his mouth and drug him in to the room.  
11 Q Okay. Thank you.  
12 In describing what had occurred to him, you  
13 state in your report that -- that OM demonstrated what  
14 happened by specific motion.  
15 Can you describe for the Court what motion it  
16 was that Devon was describing?  
17 A I could mimic it. I don't know if I could  
18 describe it real well.  
19 Q Okay.  
20 A I could try.  
21 Q If you could try.  
22 A He said that he had his hand over his mouth and  
23 around him holding his arms. And he was going like  
24 this (indicating), kind of pushing him on his genitals  
25 with his genitals.

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1 Q Okay. Thank you.  
2 Did OM describe for you approximately how many  
3 times that occurred?  
4 A I believe that he said four, but I could  
5 double-check my notes. But that's what I have in my  
6 memory, four times.  
7 Q In examining OM, what were the physical  
8 symptoms that he described to you that you observed?  
9 A He described having pain in his anus and  
10 bleeding from his anus.  
11 Q Okay. Did you have the opportunity to perform  
12 a genital examination during the CARES exam?  
13 A Yes, I did.  
14 Q And what were your observations?  
15 A He had a finding of a -- uhm -- could I look at  
16 my notes so I get the exact wording? I would really  
17 appreciate it.  
18 Q Would it help refresh your recollection if you  
19 look at that report?  
20 A It would.  
21 MR. MACFARLAN: We have no problem her reading  
22 from her report instead of refreshing her recollection.  
23 MR. SCHULMAN: That's State's Exhibit 1.  
24 MR. SHARP: May I approach?  
25 THE COURT: Go ahead.

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1 MR. SHARP: Can I see State's Exhibit 1?  
2 (Clerk complied.)  
3 Q BY MR. SHARP: Go ahead and look at it. I'm  
4 sorry. Go ahead and you can read it.  
5 THE COURT: He's stipulating to allowing her to  
6 read from it.  
7 MR. SHARP: Thank you.  
8 THE WITNESS: The exact terminology was, A  
9 nonspecific finding. Findings may occur in sexually  
10 abused children. May also be from other causes. And  
11 it was a thickened anal fold at one o'clock.  
12 Q BY MR. SHARP: Okay. That thickened anal fold  
13 at one o'clock, in your training and experience, what  
14 could that be indicative of? What are the various  
15 things that that can be indicative of that you  
16 referenced in your report?  
17 A Penetration of anus, or damage to the anus.  
18 Q Okay. And so what were your findings --  
19 A Our findings --  
20 Q -- during the CARES exam? I'm sorry.  
21 A Our findings were possible abuse,  
22 non-supportive -- nonspecific findings, with a clear  
23 disclosure.  
24 MR. SHARP: Okay. Court's indulgence for a  
25 moment?

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1 THE COURT: No problem.  
2 MR. SHARP: I have no further questions at this  
3 time.  
4 THE COURT: Cross examine, Mr. Macfarlan.  
5  
6 CROSS-EXAMINATION  
7 BY MR. MACFARLAN:  
8 Q So, Ms. Power, in terms of your conclusions on  
9 OM, basically the conclusion you reached is the  
10 physical findings that you observed regarding his anus  
11 could be the result of penetration, or could be  
12 something like constipation?  
13 A That is correct.  
14 Q And just based solely on your physical  
15 examination of OM, there's no way to distinguish what  
16 caused that thickened fold?  
17 A That is correct.  
18 MR. MACFARLAN: That's all we got, Judge.  
19 THE COURT: Redirect?  
20 MR. SHARP: Nothing further at this time.  
21 THE COURT: Does either party wish this witness  
22 to be retained, or can she be excused at this time?  
23 MR. SHARP: We would like her retained.  
24 THE COURT: We may need to call you back to  
25 provide additional testimony. So please don't discuss

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1 your testimony with anybody outside.  
2 I'll take that from you.  
3 THE WITNESS: Thank you very much.  
4 (The witness left the stand.)  
5 MR. SCHULMAN: Hydie Overholser.  
6 (Witness sworn.)  
7 THE COURT: If I can get you to state your full  
8 name? And I want you to spell both your first and last  
9 name for the record.  
10 THE WITNESS: Hydie Fawn Overholser.  
11 H-y-d-i-e. F-a-w-n. O-v-e-r-h-o-l-s-e-r.  
12 THE COURT: Ms. Overholser, you'll note we have  
13 a court reporter that's taking down everything that's  
14 spoken in the courtroom. When you answer any question  
15 posed to you during the examination, speak up loudly  
16 and clearly so she can understand what you're saying  
17 and take it down for the record.  
18 Also, make sure when you answer a question you  
19 avoid nodding your head in response to a question, or  
20 using expressions like "uh-huh." That might be a  
21 little difficult to understand when reading it back.  
22 Do you understand?  
23 THE WITNESS: Yes, sir.  
24 THE COURT: Go ahead, Mr. Schulman.  
25

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1 HYDIE OVERHOLSER,  
2 the witness herein, being first duly sworn, testified  
3 as follows:  
4  
5 DIRECT EXAMINATION  
6 BY MR. SCHULMAN:  
7 Q When we talk about people under 18, use their  
8 initials, like OM, SB.  
9 A Yes, sir.  
10 Q Do you know a Devon Hockemier?  
11 A Yes, sir.  
12 Q Is he in court today?  
13 A Yes, sir.  
14 Q Can you please point to this person and  
15 describe an article of clothing he's wearing?  
16 A He's wearing a red shirt, red pants.  
17 MR. SCHULMAN: May the record reflect the  
18 witness identified the defendant?  
19 THE COURT: The record will so reflect.  
20 Q BY MR. SCHULMAN: Did you ever live with  
21 Mr. Hockemier?  
22 A Yes, sir.  
23 Q Do you know when that was?  
24 A Uhm, I lived with him on two prior occasions.  
25 One in 2008 for a month while his mom went on vacation

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1 with his dad. And then I lived with him, uhm, August  
2 of 2000 -- 2010 to roughly February of 2011.  
3 Q Do you know what the address is of where you  
4 were living with Devon?  
5 A I believe it was 651 Bullion Road, number 57.  
6 Elko, Nevada. 89801.  
7 Q Number 57?  
8 A Yes, sir. I believe so.  
9 Q If you don't know, that's fine. We just --  
10 A Okay. Yes. I believe so.  
11 Q Okay. Who were you living with at that time?  
12 A Uhm, I lived with Devon. I lived with his  
13 mother, Pamela, uhm, my boyfriend Chuck. And our three  
14 children.  
15 Q And what are their initials?  
16 A SB, OM, and DB.  
17 Q And Chuck's --  
18 A Charles. Charles Bridge.  
19 Q Thank you.  
20 MR. SCHULMAN: That's all I got, Judge.  
21 THE COURT: Okay. Cross examination, Mr.  
22 Macfarlan.  
23  
24  
25

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1 CROSS-EXAMINATION  
2 BY MR. MACFARLAN:  
3 Q Ms. Overholser, you are certainly aware of the  
4 allegations that have been made against Mr. Hockemier  
5 in this matter?  
6 A Yes, sir.  
7 Q One of your sons, OM, did he ever disclose to  
8 you at any point in time that he had been sexually  
9 molested by Mr. Hockemier?  
10 A No, sir.  
11 Q So it wasn't until law enforcement became  
12 involved in this matter at the end of last year that  
13 ultimately you found out about this?  
14 A Yes. I was notified by DCFS. I believe her  
15 name was Alicia.  
16 Q What was the reason that you and Mr. Bridge and  
17 your three kids were living with Pam and Devon?  
18 A They foreclosed on our house that we had out in  
19 Ryndon for three years prior to that.  
20 Q And apparently you and Pam, Devon's mother,  
21 were friends?  
22 A She was like my other mother. She was very  
23 tight with my sister Chris. We were -- we were just  
24 like part of the family.  
25 Q What was the reason that ultimately you and

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1 your family left the residence where you were living  
2 with Pam and Devon?  
3 A We bought a 43-foot fifth-wheel travel trailer  
4 and moved in to it.  
5 MR. MACFARLAN: I think that's all we got,  
6 Judge.  
7 THE COURT: Redirect?  
8 MR. SCHULMAN: None, Your Honor.  
9 THE COURT: Do either party wish this witness  
10 retained, or can she be excused at this time?  
11 MR. SCHULMAN: Retained, please.  
12 THE COURT: You can have a seat back in the  
13 hallway. We may need to call you back in to provide  
14 additional testimony. Please do not discuss your  
15 testimony with anybody outside. Thank you.  
16 (The witness left the stand.)  
17 MR. SCHULMAN: Detective Hessing.  
18 (Witness sworn.)  
19 THE COURT: Detective, if I could get you to  
20 state your full name, and spell your last name for the  
21 record, please.  
22 THE WITNESS: Zachary Eli Hessing.  
23 H-e-s-s-i-n-g.  
24 THE COURT: Thank you.  
25 Go ahead, Mr. Schulman.

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1 MR. SCHULMAN: Thank you.  
2  
3 ZACHARY HESSING,  
4 the witness herein, being first duly sworn, testified  
5 as follows:  
6  
7 DIRECT EXAMINATION  
8 BY MR. SCHULMAN:  
9 Q Please tell the Court your occupation.  
10 A I'm a detective with the Elko County Police  
11 Department.  
12 Q And for how long?  
13 A For the past year-and-a-half.  
14 Q And before that?  
15 A Before that, a patrol officer for about just  
16 over three-and-a-half years.  
17 Q I want to draw your attention to November 21st  
18 of 2013. Did you begin an investigation?  
19 A Yes, I did.  
20 Q And was that dealing with a Devon Hockemier?  
21 A Yes.  
22 Q Is he in court today?  
23 A Yes, he is.  
24 Q Can you point to that person and describe what  
25 he's wearing?

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1 A He's over there in the red jumpsuit at the  
2 defendant's table.  
3 MR. SCHULMAN: May the record reflect he  
4 identified the defendant?  
5 THE COURT: The record will so reflect.  
6 Q BY MR. SCHULMAN: During your investigation,  
7 did you talk to all the parties involved?  
8 A I talked to -- except for Devon, himself, yes.  
9 Q On that day?  
10 A Correct.  
11 Q And did you talk to a Hydrie Overholser?  
12 A Yes, I did.  
13 Q And did she tell you -- did you ask her where  
14 you were all living, or where they were all living at  
15 that time?  
16 A Yes, I did.  
17 Q Thank you.  
18 And do you know what the address was, or what  
19 she told you?  
20 A I believe she told me 651 Bullion Road.  
21 Q Is this in the City of Elko?  
22 A Yes, it is.  
23 Q Is that in the County of Elko?  
24 A Yes, it is.  
25 Q Did she also tell you when she was living

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1 there?  
2 A Yes, she did.  
3 Q When did she say they were all living there?  
4 A It was September -- I'm trying to remember the  
5 correct year.  
6 I think it was September of 2010 to February of  
7 2011.  
8 Q We have your -- are you sure about that?  
9 A Not 100 percent sure about that.  
10 Q If I showed you your report, would that help  
11 refresh your recollection?  
12 A Yes.  
13 MR. SCHULMAN: May I show him his report?  
14 THE COURT: Yes.  
15 MR. SCHULMAN: Mr. Macfarlan, do you have a  
16 problem if I go straight to the page?  
17 MR. MACFARLAN: No. Point out the paragraph  
18 and the sentence is fine.  
19 Q BY MR. SCHULMAN: I'll show you what's been  
20 marked as State's Exhibit 2. It's on page 13. Let me  
21 see here. Just let me know if this refreshes your  
22 recollection.  
23 A Yes, it does.  
24 Q When were they living --  
25 A September of 2009 to February of 2010.

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1 Q Who was -- did she tell you who was living  
2 there?  
3 A Yes.  
4 Q Did she say Mr. Hockemier was living there?  
5 A Yes, he was.  
6 Q And you then talked -- who did you talk to  
7 first after -- which of the children did you talk to  
8 first?  
9 A I talked to OM first.  
10 Q Okay. And what kind of things did you and OM  
11 discuss?  
12 A We discussed things that -- we discussed a  
13 variety of things.  
14 One of the things we discussed is what happened  
15 to him. He described to me of -- what had happened to  
16 him in a sexual manner.  
17 Q Did he say who did those things to OM?  
18 A He described the person who did those things.  
19 Q And how did he describe them?  
20 A He described them as living with him over there  
21 at 651 Bullion Road; that the male subject was  
22 approximately 18 years old, had piercings, worked at  
23 McDonald's, and had a mother named Pam.  
24 Q At some point later on, did you identify that  
25 guy, the person as Devon Hockemier?

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1 A Yes, I did.  
2 Q Thank you.  
3 And how much detail did OM go in to with what  
4 happened between him and Mr. Hockemier?  
5 A He went in to a fair amount of detail of what  
6 happened to him.  
7 Q Okay. And you discussed things, because -- you  
8 discussed things with him, going over names of parts of  
9 bodies and --  
10 A Yes. Yes.  
11 Q You weren't leading him on or anything, telling  
12 him what to say?  
13 A No. I did a forensic interview with OM, which  
14 has to do with asking open-ended questions. And he can  
15 name body parts whatever he wants, as long as I  
16 understand what he's talking about.  
17 Q And did you receive special training for that?  
18 A Yes.  
19 Q What type of training did you go through?  
20 A I've had a 40-hour class. And then I went to  
21 Huntsville, Alabama, just to a different training in  
22 how to forensically interview children. I also  
23 attended another 20-hour class that has to do with  
24 training of forensic interview, that was here locally,  
25 in Elko.

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1 MR. SCHULMAN: One moment, please.  
2 THE COURT: No problem.  
3 Q BY MR. SCHULMAN: When you were having a  
4 conversation with OM, did he -- he told you, in his  
5 words, what happened to him, correct?  
6 A Yes.  
7 Q What did he say?  
8 A OM stated that the male subject had put his  
9 private part in his bottom.  
10 Q How many times did that happen?  
11 A Twice.  
12 Q Did OM say whether there was anybody else in  
13 the house or not?  
14 A No, he did not.  
15 Q At some point, you also interviewed who we'll  
16 call SB, correct?  
17 A Correct.  
18 Q And I believe SB is the older individual?  
19 A Yes.  
20 Q Older child.  
21 And when you first got there, when you first  
22 started talking with SB, what did you discuss?  
23 A Well, SB knew the reason why he was there and  
24 was very nervous about why he was there. So at first  
25 we just discussed things he liked to do, and kind of

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1 got him to be more comfortable in the situation that he  
2 was in.  
3 Q Was he relatively uncomfortable with what was  
4 going on?  
5 A Yes.  
6 Q But ultimately he started talking to you?  
7 A Yes.  
8 Q And you went over the parts of the body, or his  
9 age, because I know he's a little older.  
10 A Yes.  
11 Q Did SB discuss anything about downstairs parts?  
12 A Yes, he did.  
13 Q And what did he say about the downstairs parts?  
14 A I ended up asking about the downstairs parts,  
15 and asking him what the downstairs parts -- how he  
16 described the downstairs parts. And I think I asked  
17 him if he used that part to go pee. And he stated it  
18 was his penis.  
19 Q And did he discuss what happened with his  
20 downstairs parts, or Devon's downstairs parts?  
21 A Yes. Yes, he did.  
22 Q Whose parts did he discuss first?  
23 A He discussed Devon's downstairs parts.  
24 Q What did he say about Devon's downstairs parts?  
25 A He said Devon attempted to put his downstairs

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1 part in his bottom.  
2 Q Did he say how many times that happened?  
3 A Yes, he did; once.  
4 Q One time. Thank you.  
5 And did SB tell you roughly when that happened?  
6 A Yes, he did.  
7 Q What -- when did he tell you that happened?  
8 A He said approximately around Christmastime.  
9 Q Okay. Was there also a time when you and SB  
10 discussed his pants?  
11 A Yes, we did.  
12 Q And what was that conversation about?  
13 A He described to me that Devon asked him to take  
14 his pants down.  
15 Q And do you know -- do you recall what his  
16 response was?  
17 A SB stated he took his pants down, and Devon had  
18 him move to the bed.  
19 Q And did he say what happened after that?  
20 A He did. He said that Devon had him lay on his  
21 side. And Devon attempted to put his penis in to SB's  
22 bottom.  
23 Q Did SB say whether he was successful or not,  
24 whether Devon was successful or not?  
25 A He stated that he told Devon that it hurt, that

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1 it felt like ripping. And Devon stopped.  
2 Q Did you ever discuss oral sex with SB?  
3 A I think we did, but I don't recall him talking  
4 about Devon -- any type of oral sex that happened.  
5 Q Okay. After you interviewed SB, at some point  
6 you wanted to -- wanted to talk to Devon, correct?  
7 A Correct.  
8 Q And at some point, you did meet up with  
9 Mr. Hockemier, correct?  
10 A Yes, I did.  
11 Q When you first came in to contact with  
12 Mr. Hockemier, what did you do?  
13 A I asked him if I could talk to him, actually  
14 asked him if he would come down to the Lyon County  
15 sheriff's substation so I could talk to him.  
16 Q And what was his response?  
17 A He said he'd rather talk to me at his house.  
18 Q Did you go over to his house?  
19 A I did.  
20 Q When you first got to his house, what did you  
21 do?  
22 A We -- he walked outside. We began talking by  
23 my vehicle, at which time I read him the Miranda  
24 Rights.  
25 Q Did it appear he understood his rights?

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1 A Yes.  
2 Q Did he waive his rights and talk to you?  
3 A Yes, he did.  
4 Q When you first started talking with Devon, what  
5 were you talking about?  
6 A At first we talked about -- just kind of about  
7 what was going on in his life there. And then we  
8 started talking about when he used to live with his  
9 mother, Pam, and where he lived then.  
10 Q Did he confirm when they were living together?  
11 A Yes.  
12 Q That was September of 2009 to February --  
13 around February of 2010?  
14 A Yes.  
15 Q At some point, you started asking him about  
16 discussing what happened between him and OM?  
17 A Yes.  
18 Q What did he say?  
19 A OM admitted that he did have oral sex with --  
20 that Devon admitted that he did have oral sex with OM.  
21 Q Did he -- this is the first time -- this is the  
22 first time you started discussing the issue with Devon.  
23 What else did he say happened with OM?  
24 A He said that he also -- that Devon would give  
25 OM oral sex.

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1 Q Did he admit this at first, or did you have to  
2 talk with him further?  
3 A No. He did not admit it at first.  
4 Q So after he denied it at first, what did you  
5 do?  
6 A I informed Devon that I had spoken with both OM  
7 and SB, and they had good detail about what had  
8 happened to them. And I already knew that this had  
9 happened. And I wanted to find out from him of what  
10 happened.  
11 Q So when you did that, you asked him what  
12 happened between him and OM?  
13 A Correct.  
14 Q And what did he say?  
15 A He then admitted that he had oral sex with OM.  
16 Q Did he make any other admissions as to OM?  
17 A Yes, he did.  
18 Q What did he say?  
19 A He admitted that he gave OM oral sex.  
20 Q Was there anything -- did he say anything about  
21 anal sex?  
22 A Uhm, yes. Yes, he did.  
23 Q What did he say?  
24 A He said that he also had anal sex with OM.  
25 Q Do you recall how many times he said that, that

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(Exh. # 27)  
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1 he had anal sex with OM?  
2 A At first, he stated that he thought it had been  
3 one time, and later stated that it was, I believe,  
4 twice.  
5 Q Did you then go on asking him about SB?  
6 A Yes, I did.  
7 Q What did Mr. Hockemier say when it came to SB?  
8 A He originally stated that SB was more in to it  
9 than OM was.  
10 Q Did he first -- did he first deny that he had  
11 sex with SB?  
12 A Originally, yes.  
13 Q But at some point, he admitted to that?  
14 A Yes.  
15 Q What did he admit to as to, if anything, anal  
16 sex with SB?  
17 A He stated that he had attempted to put his  
18 penis in to SB's bottom. And SB told him that it hurt,  
19 and so he stopped.  
20 Q Did he -- sorry.  
21 Did Devon say anything about oral sex with SB?  
22 A Yes, he did.  
23 Q What did he say?  
24 A He said he had SB give him oral sex on a few  
25 different occasions.

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1 Q After you discussed all of this with  
2 Mr. Hockemier, did he say anything else?  
3 A He stated that it felt good to get it off his  
4 chest, and that it bothered him for a few years.  
5 MR. SCHULMAN: Thank you. I'll pass the  
6 witness.  
7 THE COURT: Cross examination, Mr. Macfarlan.  
8  
9 CROSS-EXAMINATION  
10 BY MR. MACFARLAN:  
11 Q Detective, as you indicated, the first child  
12 you interviewed in connection with this case is OM?  
13 A Correct.  
14 Q That was on November 21st of last year?  
15 A Correct.  
16 Q And the interview with OM, was that at his  
17 school?  
18 A Yes, sir.  
19 Q Who was all there?  
20 A Myself and Alicia Turner, who works for the  
21 Division of Child and Family Services.  
22 Q Your interview of OM basically began as an  
23 investigation of OM himself, did it not?  
24 A Correct.  
25 Q And the reason it began as an investigation of

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1 OM, because there was a report that OM may have  
2 sexually abused another child in the Elko area?  
3 A Yes.  
4 Q So as I recall your interview of OM, basically,  
5 the first half, maybe a little bit more of that  
6 interview really centered around OM and the  
7 investigation of OM?  
8 A Yes.  
9 Q And ultimately, OM denied having done anything  
10 inappropriate with any other young child?  
11 A Correct.  
12 Q It's at that point in time during your  
13 investigation that you began to inquire as to anything  
14 inappropriate happened to OM himself?  
15 A Correct.  
16 Q And ultimately, as you indicated, he made some  
17 disclosures to you; is that correct?  
18 A Correct.  
19 Q Anytime you're interviewing a child who may be  
20 the victim of child sexual abuse, one of the things you  
21 want to find out is how many times that child may have  
22 been abused?  
23 A Yes.  
24 Q And you attempted to do that during your  
25 interview with OM, did you not?

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1 A Yes.  
2 Q And ultimately what OM told you is on two  
3 different occasions, Devon Hockemier, in essence, had  
4 anal intercourse with OM?  
5 A Yes.  
6 Q And he denied anything else, other than those  
7 two occasions?  
8 A Yes.  
9 Q At some point during your interview with OM,  
10 did he claim that another young boy had tried to kill  
11 him with an axe or hatchet?  
12 A No.  
13 Q Yeah, he did.  
14 When is the last time you listened to your  
15 interview with OM?  
16 A It -- I don't recall. It's been a while since  
17 I've listened to the interview.  
18 Q Did he mention another child by the name of  
19 Angel during your interview with him?  
20 A Yes, he did. I do recall that name.  
21 Q Do you recall him saying -- and Angel was  
22 another brother of a child by the name of Damian?  
23 A I believe so.  
24 Q But as you sit here today, you don't have any  
25 recollection of OM claiming that Angel had tried to

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1 kill OM with an axe or hatchet?  
2 A I have no recollection of it. I could listen  
3 to it and see, but I don't remember that.  
4 Q Did you also ask OM whether he had told anyone  
5 about this incident?  
6 A I did ask him that, yes.  
7 Q And he indicated to you that he had told his  
8 mother?  
9 A Yes.  
10 Q And when you -- when OM stated that he had told  
11 his mother about what had occurred between OM and  
12 Devon, was it your understanding that OM had told his  
13 mother much closer to the time of the events?  
14 A Yes. It's my understanding that he -- yes.  
15 Q And then ultimately, the next young man you  
16 interviewed was SB?  
17 A Yes.  
18 Q And that was on November 25th of last year?  
19 A Correct.  
20 Q And from your interview with SB on  
21 November 25th of last year, was it your understanding  
22 that Devon Hockemier and SB only had sexual contact on  
23 one occasion?  
24 A Yes.  
25 Q Basically, what SB told you is that on one

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1 occasion, Devon Hockemier attempted anal intercourse  
2 with SB?  
3 A Correct.  
4 Q And again, I presume with SB you were trying to  
5 find out, if you could, how many times SB may have been  
6 assaulted?  
7 A Correct.  
8 Q And ultimately, all he disclosed was the one  
9 time that we've already discussed?  
10 A Correct.  
11 Q Going back to your interview with OM, do you  
12 recall at the very tail end of your interview with OM  
13 that he talked about his teacher, how his teacher had  
14 tried to take OM away from OM's family?  
15 A I don't recall it.  
16 Q Okay. At some point in time after this matter  
17 had been submitted to the district attorney's office,  
18 the district attorney's office requested that you do  
19 follow-up interviews with both OM and SB?  
20 A You know, I -- I've got several cases going  
21 through my head of that. But it's a possibility.  
22 Q I'm showing you a document which has not been  
23 marked as an exhibit. Oops, as I fall over in to you.  
24 Do you recognize that document?  
25 A Yes, I do.

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1 Q And is that one report that you generated in  
2 connection with this investigation?  
3 A Yes, it is.  
4 Q And as I understand that, that report was  
5 generated, in essence, after the district attorney's  
6 office had requested that you do follow-up interviews  
7 on OM and SB?  
8 A That's correct.  
9 Q And per the DA's request, you did attempt to do  
10 those two follow-up interviews, did you not?  
11 A Yes.  
12 Q And as I understand it, when you contacted  
13 Hydie Overholser and/or Charles Bridge, they declined  
14 to have the two boys interviewed again?  
15 A That is correct.  
16 MR. MACFARLAN: I think that's all we got,  
17 Judge.  
18 THE COURT: Redirect.  
19 MR. SCHULMAN: Thank you.  
20  
21  
22  
23  
24  
25

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1 REDIRECT EXAMINATION  
2 BY MR. SCHULMAN:  
3 Q I want to go back to when you interviewed  
4 Mr. Hockemier, especially when he was discussing OM.  
5 Did you ask him when this happened, when the  
6 abuse supposedly happened?  
7 A Yes, I did.  
8 Q When did he say?  
9 A He said during the time -- he wasn't  
10 100 percent sure exactly when it happened, but it could  
11 possibly be the end of November or December area.  
12 Q Was that SB or OM?  
13 A That was SB.  
14 Q What about OM?  
15 A OM, I think it was around October, the month of  
16 October.  
17 Q When it came to SB, was he aware of -- do you  
18 have a general idea -- he had a general idea when it  
19 happened. But he didn't know an exact time frame, did  
20 he?  
21 A Correct.  
22 Q After you -- did you remind more -- him more  
23 with discussing what SB said?  
24 A Yes, I did.  
25 Q And at that point, what -- what did Devon say?

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1 A Devon said the time sounded correct.  
2 MR. SCHULMAN: Thank you. I have no further  
3 questions.  
4 THE COURT: Recross?  
5 MR. MACFARLAN: Nothing based on that.  
6 THE COURT: Do either party wish this witness  
7 retained, or can he be excused at this time?  
8 MR. SCHULMAN: Retained, please.  
9 THE COURT: You can have a seat back out in the  
10 hallway. Don't discuss your testimony with anybody  
11 else.  
12 MR. SCHULMAN: The State would rest.  
13 THE COURT: Any testimony to present at this  
14 time, Mr. Macfarlan?  
15 MR. MACFARLAN: No, Your Honor.  
16 THE COURT: We'll proceed with argument. And  
17 we'll have the bailiff inform the parties that they can  
18 come in or are free to go.  
19 Argument.  
20 MR. SCHULMAN: The State would submit.  
21 THE COURT: Mr. Macfarlan?  
22 MR. MACFARLAN: Judge, the only counts I want  
23 to address at this point in time are Counts XIII  
24 through XV. These are the alternative allegations  
25 involving oral sex with OM.

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1 I recognize that Detective Hessing has  
2 testified that my client, Mr. Hockemier, did admit that  
3 there was some type of oral sex with him and OM. And  
4 as I recall OM's testimony today, he denied that  
5 anything occurred, other than the anal intercourse, or  
6 attempted anal intercourse.  
7 So therefore, based on that, Judge, I think the  
8 State's got corpus delicti problems in terms of Counts  
9 XIII through XV. And I request my client not be bound  
10 over on those counts.  
11 And then, Judge, I don't know how you want to  
12 address this, but basically, in terms of Counts I  
13 through XII, all of these have to do with allegations  
14 of anal intercourse pertaining to OM.  
15 As I recall OM's testimony today, and I  
16 recognize it got confusing, but as I recollect his  
17 testimony today, I believe his testimony was that he  
18 thought it occurred three to four times.  
19 And therefore, we would suggest that there's  
20 also a corpus delicti issue as to one of those counts,  
21 Counts I through XII; mainly, Counts I through III, IV  
22 through VI, VII through IX, or X through XII. We would  
23 suggest there's corpus delicti problem as to one of  
24 those allegations pertaining to anal intercourse  
25 involving OM.

PAGE 75

1 THE COURT: Okay.  
2 MR. MACFARLAN: Other than that, we submit it,  
3 Judge.  
4 THE COURT: Very well.  
5 Mr. Schulman and/or Mr. Sharp.  
6 MR. SCHULMAN: Counts I through -- I think Mr.  
7 Macfarlan was talking about I through --  
8 THE COURT: -- XII.  
9 MR. SCHULMAN: Or I through -- or was that I  
10 through XV?  
11 MR. MACFARLAN: XIII through XV is where I'm  
12 suggesting there's a corpus delicti problem in terms of  
13 the allegation of oral sex with OM, since my  
14 recollection of OM's testimony is that he only  
15 testified regarding anal course, or attempted anal  
16 intercourse.  
17 MR. SCHULMAN: As for Counts I through XII is  
18 the three or four times. OM did testify that there was  
19 three or four times that the defendant put his penis in  
20 to his bottom. I believe we charged it with four  
21 counts of sexual assault, in addition to the  
22 alternative counts, since he said it happened three or  
23 four times, along with what the detective said. We ask  
24 he be bound over on those counts.  
25 THE COURT: And then on the XIII, XIV, and XV

PAGE 76

1 issue?  
2 MR. SCHULMAN: One moment, please.  
3 THE COURT: No problem.  
4 (Counsel conferring.)  
5 MR. SHARP: Your Honor, as to the other counts  
6 that Mr. Macfarlan brought up, we will submit that to  
7 your discretion involving the child's failure to  
8 testify as to any incidents of oral sex.  
9 It does appear that there is a corpus delicti  
10 issue there, as he claims nothing had happened, as far  
11 as -- OM claimed nothing happened as far as oral sex.  
12 THE COURT: Okay. Based on the testimony and  
13 evidence adduced at the preliminary examination, the  
14 Court hereby finds there has been a showing of slight  
15 or marginal evidence, the evidentiary standard at this  
16 particular proceeding, that on or about the 1st day of  
17 September, 2009, to on or about the 28th day of  
18 February, 2010, at or near the location of the City of  
19 Elko, within the County of Elko, State of Nevada, that  
20 the defendant committed the following described  
21 criminal offenses. And the Court is finding there is  
22 that showing of slight or marginal evidence as it  
23 relates to all of the counts that are contained in the  
24 Complaint, with the exception of Counts XIII, XIV, and  
25 XV. The Court will find there is insufficient evidence

PAGE 77



(Exh<sup>d</sup> 27)  
21 of 23

1 to bind over as it relates to those three counts only.  
2 Before I order this matter bound over to the  
3 Fourth Judicial District Court for further proceedings,  
4 is there anything further to be addressed by this Court  
5 at this time?

6 MR. SCHULMAN: Your Honor, I believe when OM  
7 testified, he mentioned who he was living with, and he  
8 mentioned SB's name. We ask his name to be stricken,  
9 or his initials to be used instead of his full name.

10 THE COURT: Any objection to that clarification  
11 of record, Mr. Macfarlan?

12 MR. MACFARLAN: I do, Judge. I don't mean to  
13 be the stickler, but I think the record is the record,  
14 and nobody should be altering the transcript.

15 So I understand the district attorney's office  
16 concerns, but it seems to me it's not appropriate to  
17 alter the transcript.

18 THE COURT: I think there was one brief  
19 reference to a name, and I don't think that's too earth  
20 shattering.

21 Anything else before I order the matter bound  
22 over?

23 MR. SCHULMAN: Nothing, Your Honor.

24 THE COURT: Anything else, Mr. Macfarlan?

25 MR. MACFARLAN: No, Your Honor.

PAGE 78

1 THE COURT: Okay. This matter will be bound  
2 over to the Fourth Judicial District Court for further  
3 proceedings. And the defendant is remanded back in to  
4 custody at this time.

5 MR. SCHULMAN: Thank you.

6 (End of proceedings.)

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PAGE 79

263

# 125

1 I, MASON E. SIMONS, Justice of the Peace of Elko  
2 Township, County of Elko, State of Nevada, hereby  
3 certifies:

4  
5 That TONJA GILL LEMICH was duly appointed and  
6 sworn to report the testimony of the witnesses in all  
7 proceedings had in the case of THE STATE OF NEVADA,  
8 Plaintiff, vs. DEVON HOCKEMIER, Defendant; that the  
9 witnesses were first duly sworn, and their testimony  
10 taken in stenotype notes, verbatim, and thereafter  
11 transcribed into longhand typewriting as herein  
12 appears.

13  
14 That when the examination of the witnesses at  
15 the presentation of evidence was closed, it appearing  
16 from the evidence adduced at said Preliminary  
17 Examination that there was reasonable cause and  
18 sufficient grounds to believe that the Defendant  
19 committed the said crime as charged, the said Defendant  
20 was therefore bound over to the District Court for  
21 trial.

22  
23  
24  
25

Justice of the Peace of  
Elko Township, County of  
Elko, State of Nevada.

264



1                   IN THE JUSTICE'S COURT OF ELKO TOWNSHIP  
2                   IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA  
3  
4                   \_\_\_\_\_  
5                   THE STATE OF NEVADA,  
6                   Plaintiff,  
7                   vs.  
8                   DEVON RAY HOCKEMIER,  
9                   Defendant.

10                  \_\_\_\_\_  
11  
12                                   REPORTER'S CERTIFICATE  
13                   I, Tonja Gill Lemich, CSR No. 380, do hereby certify  
14                   that I reported the foregoing proceedings; that the  
15                   same is true and correct as reflected by my original  
16                   machine shorthand notes taken at said time and place  
17                   before the Honorable Mason E. Simons, Justice of the  
18                   Peace, presiding.

19  
20                   Dated at Elko, Nevada, this  
21                   26th day of August, 2014.

22                   \_\_\_\_\_  
23                   *Tonja Gill Lemich*  
24                   Tonja Gill Lemich  
25                   CSR No. 380

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(Exh #28)  
1 of 9 Clerk

FILED

CASE NO. CR-FP-14-0635

DEPT. NO. 1

2014 AUG 28 PM 3:14

CLERK CO DISTRICT CLERK

CLERK DEPUTY

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

STATE OF NEVADA,

vs. Plaintiff,

CRIMINAL

INFORMATION

DEVON RAY HOCKEMIER,

Defendant.

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 informs the above-entitled Court that Defendant above-named, from on or about the 1st day of September, 2009, to on or about the 28th day of February, 2010, at or near the location of City of Elko, within the County of Elko, and the State of Nevada, committed a crime or crimes described as follows:

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.

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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 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(1)(a).**

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.

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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.

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(268)

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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.

COUNT 10

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

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.

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(Exh. #28)  
5 of 9

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 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, 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 200.266(3)(a).**

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, under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or consenting to 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.**

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(Exh. #28)  
60 f 9

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 said minor child in the following manner: by inserting his penis into said child's anus.

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 his penis into S.B.'s anus, which occurred in a place open to the public, in the Defendant's bedroom or a room in the Defendant's home.

COUNT 16

**SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF 14 YEARS, CATEGORY A FELONY AS DEFINED BY NRS 201.306(3)(a).**

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 abuse, to-wit: by inserting his penis into S.B.'s mouth and/or had S.B. insert his penis into Defendant's mouth, against the victim's will or under circumstances in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of the conduct.

IN THE ALTERNATIVE TO COUNT 16,

COUNT 17

**LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE, CATEGORY A FELONY AS DEFINED BY NRS 201.306(3)(b).**

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

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

IN THE ALTERNATIVE TO COUNTS 16 AND 17,

COUNT 18

**OPEN OR GROSS LEWDNESS, A GROSS Misdemeanor OR Felony 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 and/or having S.B. insert his penis into Defendant's mouth, all of which occurred in a place open to the public, in the Defendant's home, in a room in the Defendant's home.

COUNT 19

**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 help or detain the victim for ransom, or reward, or for the purpose of committing any assault, extortion or robbery upon or from the victim, or for the purpose of keeping the victim or inflicting substantial bodily harm upon the victim, 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 sexually assaulted him by inserting his penis into O.M.'s mouth.

IN THE ALTERNATIVE TO COUNT 19,

COUNT 20

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

That the Defendant did willfully and without authority 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 ransom or for reward against his/her will.

272

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#0244




(Exh. #28)  
8 of 9

All of which is contrary to the form of the Statute provided, and against the peace and dignity of the State of Nevada.


Dated: August 28<sup>th</sup>, 2014.

MARK TORVILLEN  
ELKO COUNTY DISTRICT ATTORNEY

  
JONATHAN L. [unclear]  
Deputy District Attorney  
State Bar No. [unclear]

**Declaration By State's Counsel Regarding  
The Number Of Days Needed**

COMES NOW THE STATE OF NEVADA, by and through the Counsel of Record the Elko County District Attorney's Office and, specifically, the Deputy District Attorney assigned the above-entitled matter, who, by and through the undersigned, would declare to the above-entitled Court that it is State's position that four (4) days, including jury selection, should be set aside for the trial of the above-entitled matter.

  
JONATHAN L. [unclear]  
Deputy District Attorney  
State Bar No. 180

Witnesses' names and addresses known to the State at the time of filing the above Criminal Information, if known, are as follows:

JARED LOWRY, 1401 COLLEGE AVENUE, ELKO, NV 89801

SB, - ADDRESS REDACTED

CHARLES SCOTT BRIDGE, 91 PARK RD., ELKO, NV 89801

HYDIE FAWN OVERHOLSER, 91 SOUTH PARK RD., ELKO, NV 89801

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(Exh. #28)  
9 of 9

OM - ADDRESS REDACTED

PAMELA ERNESTINE, 560 JUNIPER ST. #9, ELKO, NV 89801

ALISHA TURNER, DCFS, 1010 RUBY VISTA #101, ELKO, NV 89801

ZACHARY HESSING, 1401 COLLEGE AVENUE, ELKO, NV 89801

DR. KRISTEN MACLEOD, M.D., 5301 RENO CORPORATE DRIVE, DR., RENO, NV  
89511-2381

CARRIE E POWER, 391 EDGEBROOK DRIVE, ORCHARD BLUFFS AVE.,  
SPRING CREEK, NV 89815

**CERTIFICATE OF SERVICE**

I hereby certify, pursuant to the provisions of NRS 42.015(b), that I am an employee  
of the Elko County District Attorney's Office, and that on the 28<sup>th</sup> day of August,  
2014, I hereby served a copy of the Criminal Information by delivering, mailing, faxing,  
or causing to be delivered, faxed, or mailed, a copy of said document to the following:

By delivering to:

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

By mailing to:

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

*[Signature]*  
KURT SUTHERLAND  
FELONY CLERK

274

DA#F-14-94099

CERTIFIED COPY  
DOCUMENT ATTACHED IS A  
TRUE AND CORRECT COPY  
OF THE ORIGINAL ON FILE

28 day of Aug, 2014

*[Signature]*

CLERK

#0944C



(Exh. #29)  
10/1

1 Case No. CR-FA-14-0635

FILED

2 Dept. No. 1

2014 SEP -9 PM 2:24

ELKO CO DISTRICT CL.

LEFK DEPUTY

6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

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

9 THE STATE OF NEVADA,

10 Plaintiff,

ORDER AUTHORIZING PAYMENT  
OF INVESTIGATIVE FEES

11 vs.

12 DEVON HOCKEMIER,

13 Defendant.

15 IT IS HEREBY ORDERED that the County of Elko, State of Nevada,  
16 is hereby authorized to reimburse LOCKIE & MACFARLAN, LTD., for  
17 Private Investigator fees paid to James Grady, for services provided  
18 in August 2014, in the sum of TWO HUNDRED FORTY DOLLARS AND 00/100  
19 (\$240.00) as and for investigative services in the above-entitled  
20 matter, pursuant to NRS 7.135.

21 DATED this 9 day of Sept. August, 2014.

23 Nancy Porter  
24 NANCY PORTER  
DISTRICT JUDGE

26 (275)

28 # 0247

(Exh. #30)  
1064

FILED

1 Case No. CR-FP-14-0635

2 Dept. 1

2014 AUG 27 PM 2:22

ELKO DISTRICT CLERK

CLERK DEPUTY *fb*

5 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

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

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 DEVON HOCKEMIER,

13 Defendant.

EX-PARTE

APPLICATION FOR PAYMENT OF  
PRIVATE INVESTIGATOR FEES

15  
16 COMES NOW, LOCKIE & MACFARLAN, LTD., court-appointed attorneys  
17 for Defendant, and applies for interim payment of Private  
18 Investigator Fees. This Court authorized payment of Investigative  
19 Fees by way of an Order filed July 15, 2014.

20 It is requested that payment in the amount of \$240.00 be paid  
21 to LOCKIE & MACFARLAN, LTD., 919 Idaho Street, Elko, Nevada 89801,  
22 for Private Investigator costs for August, 2014.

23 DATED this 25 day of August, 2014.

24 LOCKIE & MACFARLAN, LTD.

25 *277*  
26 SHERBURNE M. MACFARLAN, III  
27 Nevada Bar No. 3955  
28 Attorneys for Defendant  
919 Idaho Street  
Elko, Nevada 89801  
(775) 738-8084

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

*276*

# 0048



(Exh. #30)  
2 of 4

James M. Grady Private Investigator NV Lic. # 538  
226 Holyoke Dr., Spring Creek, Nv, 89815.

Billing and Expense Statement

Billing Period: August, 2014

Case: NV v Hockemier, Sexual Assault Child <14, Lockie & Macfarlan

<u>Date</u>	<u>Activity</u>	<u>Investigation</u>
07	Investigation	2.0
08	Investigation	1.0
<b>Total Hour's for Period</b>		<b>3.0</b>

Investigation Fee's Due for the Period of: August, 2014

Investigation Time	3.0 Hours x \$80/Hr. = \$	240.00
Mileage and Expenses	\$	<u>N/C</u>
	<b>\$</b>	<b>240.00 Amount Due for Period</b>

I Certify by my Signature below that this Billing for the Month of August, 2014, accurately reflects Investigation Services completed on this Case as requested.

Sincerely,

James M. Grady  
Private Investigator  
E.I.N./SSN 557-56-3131

277

#0249

(Exh. #30)  
3 of 4

8/9/2014

James M. Grady, Private Investigator NV Lic. # 538  
226 Holyoke Dr., Spring Creek, NV, 89815

Daily Activity Log

08/08/2014

Case: NV v Hockemier

Time	Activity	Hours
1000-1100	Complete Summary Report for File, Client Court Order review and copy Juvenile Court Record for Mr. Macfarlan, e-mail for File.	1.0
Mileage		n/c
Investigation Time		1.0
Expenses		n/c

(278)

Phone 775-753-7776, Fax 775-753-6447, E-mail jmgpi@springcreekwireless.com

#0250



(Exh.#36)  
4 of 4

8/8/2014

James M. Grady, Private Investigator NV Lic. # 538  
226 Holyoke Dr., Spring Creek, NV, 89815

Daily Activity Log

08/07/2014

Case: NV v Hockemier

Time	Activity	Hours
1000-1200	Court Clerk's Office with Court Order to copy Client's Juvenile Criminal History, 3 Convictions found, no Felony if Adult. Copy of Juvenile History to Mr. Macfarlan and discussion.	2.0
	Mileage	n/c
	Investigation Time	2.0
	Expenses	n/c

279

#.0251

Case No. 14-CR-00635 4E

FILED  
ELKO TOWNSHIP  
JUSTICE/MUNICIPAL COURT

2014 AUG 25 PM 3:14

CLERK \_\_\_\_\_

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

THE STATE OF NEVADA,

Plaintiff,

vs.

DEVON HOCKEMIER,

Defendant.

EX-PARTE  
APPLICATION FOR PAYMENT OF  
PRIVATE INVESTIGATOR FEES

COMES NOW, LOCKIE & MACFARLAN, LTD., court-appointed attorneys for Defendant, and applies for interim payment of Private Investigator Fees. This Court authorized payment of Investigative Fees by way of an Order filed July 15, 2014.

It is requested that payment in the amount of \$240.00 be paid to LOCKIE & MACFARLAN, LTD., 919 Idaho Street, Elko, Nevada 89801, for Private Investigator costs for August, 2014.

DATED this 25 day of August, 2014.

LOCKIE & MACFARLAN, LTD.

277  
SHERBURNE M. MACFARLAN, III  
Nevada Bar No. 3999  
Attorneys for Defendant  
919 Idaho Street  
Elko, Nevada 89801  
(775) 738-8084

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

280  
#0252



(Exh #31)  
2014

James M. Grady Private Investigator NV Lic. # 538  
226 Holyoke Dr., Spring Creek, Nv, 89815

Billing and Expense Statement

Billing Period: August, 2014

Case: NV v Hockemier, Sexual Assault Child <14, Lockie & Macfarlan

<u>Date</u>	<u>Activity</u>	<u>Investigation</u>
07	Investigation	2.0
08	Investigation	1.0
Total Hour's for Period		3.0

Investigation Fee's Due for the Period of: August, 2014

Investigation Time	3.0 Hours x \$80/Hr. = \$	240.00
Mileage and Expenses	\$	N/C
	\$	240.00 Amount Due for Period

I Certify by my Signature below that this Billing for the Month of August, 2014, accurately reflects Investigation Services completed on this Case as requested.

Sincerely,

James M. Grady  
Private Investigator  
E.I.N./SSN 557-56-3131

281

Phone 775-753-7776, Fax 775-753-6447, E-mail jmgpi@springcreekwireless.com

(Exh. #31)  
3064

8/9/2014

James M. Grady, Private Investigator NV Lic. # 538  
226 Holyoke Dr., Spring Creek, NV, 89815

Daily Activity Log

08/08/2014

Case: NV v Hockemier

Time	Activity	Hours
1000-1100	Complete Summary Report for File, Client Court Order review and copy Juvenile Court Record for Mr. Macfarlan, e-mail for File.	1.0
Mileage		n/c
Investigation Time		1.0
Expenses		n/c

Phone 775-753-7776, Fax 775-753-6447, E-mail [jmgpi@springcreekwireless.com](mailto:jmgpi@springcreekwireless.com)

282

11  
0254



(Exh.# 31)  
4 of 4

8/8/2014

James M. Grady, Private Investigator NV Lic. # 538  
226 Holyoke Dr., Spring Creek, NV, 89815

Daily Activity Log

08/07/2014

Case: NV v Hockemier

Time	Activity	Hours
1000-1200	Court Clerk's Office with Court Order to copy Client's Juvenile Criminal History, 3 Convictions found, no Felony if Adult. Copy of Juvenile History to Mr. Macfarlan and discussion.	2.0
Mileage		n/c
Investigation Time		2.0
Expenses		n/c

283  
#0255

(Exh.#32)  
1043

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

**RECORD OF COURT PROCEEDINGS**

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

STATE OF NEVADA,

Plaintiff,

Date: 10/13/14

VS.

Case No.: CR-FP-14-0000635

Dept: 1 – Elko County Jail

DEVON RAY HOCKEMIER,

Defendant.

State of Nevada represented by Robert J. Lowe, Esq.  
Defendant present, in custody, and represented by  
Sherburne M. Macfarlane, Esq.  
Division of Parole and Probation represented by Lisa Elliott.  
Court Clerk, Faye Fleury, present.

**ARRAIGNMENT – NOT GUILTY**

The Court noted the presence of the parties.

The matter was before the Court for an arraignment on the charges alleged in a Criminal Information filed on August 28, 2014. All parties indicated they were ready to proceed.

The Court asked if there was a Memorandum of Plea Agreement for the matter.

Defense counsel advised that there was not an Agreement and would waive the Defendants right to a speedy trial.

The State requested, according to NRS, a speedy trial due to the age of the victims.

The Court advised it was aware of the statutes.

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

The name of the Defendant was correctly stated.

The Court inquired if the Defendant had been advised by Counsel regarding non citizenship.

Defendant advised he had been advised by Counsel.

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(Exh. #32)  
2 of 3

The Court read the charging portion of the Criminal Information.

The Defendant understood the charges, was satisfied with the legal services rendered to date and was ready to proceed.

The Court asked the Defendant to enter pleas to 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). 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. IN THE ALTERNATIVE TO COUNTS 1 AND 2, COUNT 3: OPEN AND GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210. 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). 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. IN THE ALTERNATIVE TO COUNTS 4 AND 5, COUNT 6: OPEN AND GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210. 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). 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. IN THE ALTERNATIVE TO COUNTS 7 AND 8, COUNT 9: OPEN AND GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210. 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). 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. IN THE ALTERNATIVE TO COUNTS 10 AND 11, COUNT 12: OPEN AND GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210. 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). 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. IN THE ALTERNATIVE TO COUNTS 13 AND 14, COUNT 15: OPEN AND GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210. COUNT 16: SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF 14 YEARS, A CATEGORY A FELONY AS DEFINED BY

285

# 2857



NRS 200.366(3)(c). 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. IN THE ALTERNATIVE TO COUNT 16 AND 17, COUNT 18: OPEN AND GROSS LEWDNESS, A GROSS MISDEMEANOR AS DEFINED BY NRS 201.210. COUNT 19: KIDNAPPING IN THE FIRST DEGREE, A CATEGORY A FELONY AS DEFINED BY NRS 200.310(1). IN THE ALTERNATIVE TO COUNT 19, COUNT 20: KIDNAPPING IN THE SECOND DEGREE, A CATEGORY B FELONY AS DEFINED BY NRS 200.310(2) The Defendant entered pleas of not guilty.

The Court advised the Defendant of his right to be tried within 60 days.

The Defendant waived the sixty-day rule.

The Court **ORDERED** a jury trial be set to begin on February 24, 2015, at 9:30 a.m. Four days were set aside for the trial. A status hearing/early settlement conference was set for January 22, 2015 at 1:30 p.m.

Court adjourned.

(Exh.#33)  
1 of 1

## ELKO COUNTY DISTRICT ATTORNEY

540 Court Street, 2<sup>nd</sup> Floor • Elko, NV 89801  
775-738-3101 • 775-738-0160 fax

MARK TORVINEN  
*District Attorney*

KRISTIN A. MCQUEARY  
*Chief Civil Deputy*

ROBERT J. LOWE  
CHAD B. THOMPSON  
DAVID A. BUCHLER  
MARK S. MILLS  
TYLER J. INGRAM  
JONATHAN L. SCHULMAN  
TANNER SHARP  
*Deputy District Attorneys*

October 13, 2014

Sherburne M. Macfarlan III  
919 Idaho St.  
Elko, Nv 89801

RE: NOTICE OF DISCOVERY IN STATE OF NEVADA V. DEVON RAY  
HOCKEMIER.  
COURT CASE NO. CR-FP-14-0635.

Dear Mr. Macfarlan III:

Please be advised that the Office of the District Attorney maintains an open file policy and that discovery will be available upon request. Furthermore, physical evidence may be inspected upon request by appointment.

The following documentary discovery is presently in the District Attorney's file: Discovery numbered 1 through 72.

Please be advised that although we attempt to insure that you have all discoverable information, we would most strenuously request that prior to any hearing, trial, or other matter, you contact this office to insure that you have the latest discoverable materials.

Further, if you believe that the State (including any law enforcement agency) may be in possession of discoverable materials which you have not been provided with, please contact our office immediately. Otherwise, I would suggest that you immediately file a motion with the court concerning this matter, so that it may be resolved as soon as possible.

This letter will serve as notice for all hearings, motions and jury trials and any continuances of such hearings, motions and jury trials.

If you have any questions concerning any of the foregoing, please contact us at your earliest reasonable convenience.

Sincerely,

MARK TORVINEN  
Elko County District Attorney

By:

  
KURRI SULLIVAN  
FELONY CASEWORKER



#0259

1 Case No. CR-FP-14-635

2 Dept. No. 1

FILED

2014 OCT 30 PM 4:14

ELKO CO DISTRICT COURT

CLERK DEPUTY *[Signature]*

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4  
5  
6 IN THE FOURTH JUDICIAL DISTRICT COURT  
7 IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA  
8

9 THE STATE OF NEVADA,

10 Plaintiff,

PRETRIAL ORDER  
(Criminal Case)

11 V.

12 DEVON RAY HOCKEMIER,

13 Defendant.  
14 \_\_\_\_\_ /

15 **IT IS HEREBY ORDERED that:**

16 1. The above-entitled case shall be tried before a jury commencing Tuesday,  
17 February 24, 2015, at 9:00 a.m. Further, the Elko County Jury Commissioner shall draw a panel  
18 consisting of 110 prospective jurors two (2) weeks prior to the scheduled trial date. Four days have  
19 been set aside for the trial in this matter.

20 2. The Early Case Conference shall be held on Thursday, January 22, 2015, at 1:30 p.m.  
21 Counsel shall attend said conference on the record, and expect to discuss whether there is possible  
22 settlement of the case.

23 **PRE-TRIAL MOTIONS**

24 3. All Pretrial Motions, including but not limited to Motions in Limine, Motions to Suppress,  
25 whether filed by the State or Defendant, as well as Offers of Proof by the State of Nevada alleging  
26 uncharged crimes or misconduct by the Defendant that the State intends to introduce in its case in chief,