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CASE NO. 14 CR 00635 4E

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 Elizabeth A. Brown
 Clerk of Supreme Court

IN THE JUSTICE COURT OF THE ELKO
 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

2014 AUG 27 AM 10:30

TRANSCRIPT OF PROCEEDING

PRELIMINARY HEARING

August 18, 2014

ELKO, NEVADA

Reported by:

Tonja Gill Lemich
 CSR No. 380

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1 APPEARANCES:

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12 * * * * *

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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?

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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, Hydie Overholser, Charles Bridge --

7 THE COURT: Hold on just a moment.

8 MR. SCHULMAN: Sorry.

9 THE COURT: My hand is not fast.

10 Hydie 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.

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

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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.

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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.
17
18
19
20
21
22
23
24
25

PAGE 7

1 OM,
2 the witness herein, being first duly sworn, testified
3 as follows:
4
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.

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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.

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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.

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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.

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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,

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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.

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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

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CROSS-EXAMINATION

1 BY MR. MACFARLAN:

2 Q OM, my name is Sherb. And I've got a couple of

3 questions for you. Okay?

4 A Okay.

5 Q And just as when Tanner was asking you

6 questions, if you don't understand or don't remember,

7 just let me know. Okay?

8 A Yes.

9 Q And as the judge indicated, it's important for

10 you to say "yes" or "no," so the court reporter can get

11 it all down. Okay?

12 A Uh-huh.

13 Q Is that a "yes"?

14 A Yes.

15 Q Okay. Now, do you remember how long you and

16 your family lived with Pam and Devon?

17 A No.

18 Q But your memory is that you lived with Pam and

19 Devon during the springtime?

20 A Yes. That is actually true. Ask my parents.

21 Q I'm sorry?

22 A Yes. That is true. Even ask my parents.

23 Q And when you and your family were living with

24 Pam, did Pam have a job?

PAGE 18

1 A I don't remember.

2 Q How about your mom, Hydie, 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, Hydie, about this?

6 A Yes, uh-huh.

7 Q Did you tell your mom, Hydie, 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?

PAGE 24

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?

PAGE 25

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, Hydrie, 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?

PAGE 32

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?

PAGE 33

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, Hydie, uhm, my son SB, 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: Hydrie 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: Hydrie 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 HYDRIE 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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8/8

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 Hydie 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 SE, correct?
17 A Correct.
18 Q And I believe SE 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 SE, what did you discuss?
23 A Well, SE 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 SE 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

PAGE 61

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

PAGE 65

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

PAGE 70

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

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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.

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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

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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

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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.

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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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* * * * *

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

1 IN THE JUSTICE'S COURT OF ELKO TOWNSHIP
2 IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

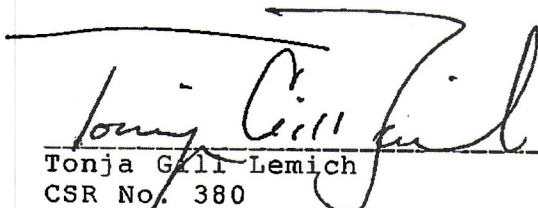
3
4 _____
5 THE STATE OF NEVADA,
6 Plaintiff,
7 vs.
8 DEVON RAY HOCKEMIER,
9 Defendant.

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 
24 _____
25 Tonja Gill Lemich
 CSR No. 380

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RESPONDENT EXHIBIT NO: K
CASE NO.: CV-HC-17-267
DISTRICT COURT: JUDGE NANCY PORTER
DATE MARKED: 7/1/20
DATE ADMITTED: 7/11/20
CLERK: LB

Respondent's

Exhibit 12

**Hockmier v Director of Nevada
Department of Corrections**

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

-oOo-

STATE OF NEVADA,

Plaintiff,

Case No. CR-FP-14-0000635

V.

Dept. No. 1

DEVON RAY HOCKEMIER,

Defendant.



COPY

Rough Draft

Transcript of Proceedings

Sentencing Hearing

Thursday, May 21, 2015

Elko, Nevada

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

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Division of Parole Annis Seopaul
and Probation:

-oOo-

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

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

11 Are the parties ready to proceed?

12 MR. SCHULMAN: The State is.

13 MR. MACFARLAN: We are, Judge.

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

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

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

21 Do you understand that?

22 THE DEFENDANT: Yes, I do.

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

25 MR. MACFARLAN: Not in the presentence

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

4 THE COURT: All right.

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

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

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

18 THE COURT: It was at a playground?

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

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

24 Does that work for you, Mr. Schulman?

25 MR. SCHULMAN: That's fine.

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1 THE COURT: What else, Mr. MacFarlan?

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

7 THE COURT: Anything else?

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

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

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

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

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

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

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

24 THE COURT: Anything else?

25 MR. MACFARLAN: The second paragraph on that

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

3 THE COURT: Uh-huh.

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

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

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

10 THE COURT: Okay. Anything else?

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

14 THE COURT: The last page?

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

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

20 Is that it?

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

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

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

3 THE COURT: Okay, thank you.

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

6 MR. SCHULMAN: Nothing.

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

9 MS. SEOPAUL: No, Your Honor.

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

12 MR. SCHULMAN: We do.

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

15 MR. MACFARLAN: No, Your Honor.

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

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

21 THE COURT: Come forward, please.

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

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1 MS. OVERHOOSER: Yes, ma'am.

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

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

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

7 MR. SHARP: Thank you, Your Honor.

8 HYDIE OVERHOOSER

9 (Sworn as a witness, testified as follows)

10 DIRECT EXAMINATION

11 BY MR. SHARP:

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

14 A. Yes, sir.

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

16 A. He's my son.

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

18 A. He's my stepson.

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

21 A. Yes, sir.

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

23 A. He just turned 11.

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

25 A. 04/26/04.

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

2 A. Fifteen and a half.

3 Q. And what is his date of birth?

4 A. 07/17/99.

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

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

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

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

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1 ever want to see him again.

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

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

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

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

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

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1 further questions.

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

4 MR. MACFARLAN: No questions, Judge.

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

7 MS. OVERHOUSER: Thank you.

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

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

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

15 MR. BRIDGE: Yes, I do.

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

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

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

21 MR. SHARP: Thank you, Your Honor.

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CHARLES BRIDGE

(Sworn as a witness, testified as follows)

DIRECT EXAMINATION

BY MR. SHARP:

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

A. Yes.

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

A. Yes, sir.

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

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

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

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

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

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

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

7 THE COURT: Questions, Mr. MacFarlan?

8 MR. MACFARLAN: No, Your Honor.

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

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

15 THE COURT: And play what?

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

18 THE COURT: Any objection, Mr. MacFarlan?

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

20 THE COURT: Exhibit 1 will be admitted.

21 (Whereupon, Plaintiff's Exhibit 1 admitted)

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

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

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

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

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

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

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

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

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

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