

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEVON RAY HOCKEMIER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 68333

**FILED**

APR 20 2016

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of lewdness with a child under 14 years of age. Fourth Judicial District Court, Elko County; Nancy L. Porter, Judge.


Appellant Devon Ray Hockemier argues the district court abused its discretion by sentencing him to serve consecutive terms. Hockemier asserts the district court improperly disregarded the arguments of defense counsel and the sentencing recommendation of the Division of Parole and Probation. We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). We conclude Hockemier's claim lacks merit.


The district court listened to the arguments of the State and defense counsel and specifically stated it struggled with deciding the appropriate sentence "for the reasons stated by both attorneys." The district court then stated it was imposing the lengthy sentence due to concerns Hockemier did not understand the seriousness of his crimes and would reoffend. Notably, the district court is not required to follow the sentencing recommendation of the Division of Parole and Probation. See *Collins v. State*, 88 Nev. 168, 171, 494 P.2d 956, 957 (1972) ("A trial court


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does not abuse its discretion by imposing a sentence in excess of that suggested by the Department"). In addition, Hockemier's sentence of two consecutive terms of life with the possibility of parole in ten years falls within the parameters of the relevant statutes. See NRS 176.035(1); NRS 201.230(2). Accordingly, Hockemier fails to demonstrate the district court abused its discretion at sentencing and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Nancy L. Porter, District Judge  
Lockie & Macfarlan, Ltd.  
Attorney General/Carson City  
Elko County District Attorney  
Elko County Clerk