

Hiring of Albert J. Hoch

Mr. Hoch and I met at Burger King in Duncan, Oklahoma at 7:00 p.m. He said he was going to be in Chickasha and would run down and we could visit and discuss the case. We discussed the particulars of the case and the fact that the charges had been bifurcated. I told him that Mr. Hammond said he would give the evidence box to him whenever he wished and that he would help him with any information he needed. Mr. Hoch said that would be good. He asked me about the militia and I told him it had nothing to do with the case and that it was not to be brought up during trial. He said that he was very interested in the case. He said nothing about being too busy or having too many cases to do justice to this one. I paid him half the retainer at that time and he said to not worry, he would handle everything. He told me that he had the expert witnesses that we needed and had an investigator that owed him a favor so that could be done without any additional charge. He never contacted any of the witnesses that I was ever told about nor did he ever say anything about the investigator even when I asked. He always answered that he had it handled.

During the trial preparation he contacted us frequently for the first month or so then was a little more difficult to get in contact with. He became a little more aloof about the case and the particulars that needed to be taken care of. I had to find out myself when the hearings, etc. would be as he nor his office never notified me and he knew I wished to be there for each one as I was the only person who would be attending. We have no other family close and there were no others that would be there.

Several people started saying things on the internet about having a lot of people here for the trial and I said to please not do that. I asked that they pray for us and that the justice system be allowed to work as it should. During the preliminary hearing there were only family members and Charles' girlfriend in attendance, the first trial held in April, 2011 there were only family members here, the second trial (the first that Mr. Hoch was involved with) there were several friends here with the family and Charles' girlfriend and there were no incidents that took place, the third trial (the second that Mr. Hoch was involved in) there was only one friend here with the family and Charles' girlfriend and no incidents.

The family requested appropriate dress and behavior and there was no person during any of the trials that wore arm bands or anything designating them as anything other than a concerned citizen and friend.

There were threats made to Charles' welfare by several people and I was told by Mr. Hoch at the January, 2012 trial that he had received a threat but had talked to the person that made it and they had an understanding and there was no problem. That is the only threat he ever mentioned. I asked him if there had been any other threats to anyone and he told me no.

We provided many things for Mr. Hoch to use that were very applicable to the case to include the expert witness for the computer that had been used in the first trial. He said he appreciated it and would use it but never did. We were all extremely shocked when he rested without doing anything about the evidence that had been presented in the first case that ended in a mistrial/hung jury. When asked what approach he was going to use for the case he said he had it covered and not to worry about it and was very reluctant. We sent him the concerns in writing that we had with the things done in the other trial and he said he had researched the entire case but was unable to discuss the things that we asked about on various occasions.

On two occasions prior to the first trial he called and said to let Charles know he would be here on a specific day, did not show up, and then would say that he got busy on one time and had to fix the fence around his pool which had been damaged by the storm on another. I understand that things come up at the last minute but expected a phone call when he said he would do something and then was not going to do it.

I brought things to him that he requested when and where he requested, even when I had to get coverage for work. I never refused anything he asked, but Mr. Hoch did not return the courtesy.

When speaking with Mr. Hammond after Mr. Hoch had taken the case I was told that Mr. Hammond had made a notebook of information and tried to give it to him at a Bar Association meeting but Mr. Hoch said he didn't need it and he did not take it. Later, after the conviction trial while Charles was working on his appeal, a secretary and I were looking for a motion in the box that Mr. Hammond still had and I saw the notebook so I am aware that it was made up and was tabbed.

He told me one thing and did another. He would have an investigator, but did not; he would provide an expert witness for the computer (probably the one we had used in the first trial and that person was available and surprised he was not called); an expert witness on the child's video, but never did. He never said he was too busy for the case or I would have looked for someone else. I was impressed with his promises but very disappointed in the presentation that took place. He said the trial would possibly last 2 weeks and would at least be 1 ½. The trial lasted 3 ½ days before resting. When I asked why he didn't use the information and expert witnesses he said he didn't think he needed any.

After Charles was given the indigent ruling Mr. Hoch told me he would work with the new attorney. Later, after Mr. Jackson was appointed, Mr. Hoch told me he knew Mr. Jackson well and would be sure he had all the evidence and information he needed and would help in any way he could. Then he withheld the evidence box until the day after the first due date of the Appellate Brief and when it was relinquished did not have all the evidence in it.

Mr. Hoch says that I asked for the cloned harddrive of Valerie Dyer. I asked him if the FBI had ever found the external harddrive of Charles that we had been trying to locate. I am not a computer knowledgeable person. I do work on the computer but only know the software I have to use for work (medical transcription) and am certainly not familiar with hardware. I did not realize what he had handed me when he said, "They say this is all they have". Even if I had asked for it he should never have done anything but tell me he could not do that because it was evidence and could not leave the evidence box. I am aware of what happens when the chain of evidence is broken and would certainly never asked anyone, especially regarding evidence in my son's case, be removed and the chain of evidence broken. I knew what the importance of that was.

I will follow the paragraph numbers on Mr. Hoch's answer to the charges which I have information about.

2. The only time Mr. Dyer's sister and I were at Mr. Hoch's office together was prior to the January, 2011 trial. I picked her up at the Oklahoma City airport and we went to his office so she could view the child's interview video before the January trial. We picked up no evidence on that trip. The cloned harddrive was given to me during the April, 2011 trial at the Stephens County courthouse. This broke the "chain of custody" for the exhibit. Even if Mr. Hoch had been asked for the cloned harddrive (or any other evidence that had previously been introduced in a trial for Mr. Dyer) it was his responsibility to keep it intact and inform any person asking for it that it could not be removed pending completion of this trial and any pending court proceedings. The other evidence that was removed should have been left intact also.

At the end of the trial ending in a conviction Mr. Hoch is the one that filed for the appeal. He was aware that the evidence was going to be needed for further litigation and was responsible for maintaining the integrity and chain of custody of the evidence contained in the evidence box. He is the one that withheld the evidence and did not present it to the OIDS in a timely manner. We had no evidence that would be of value to them. We could provide information that was requested (which we have) but not the evidence from the box or on the exhibit list. (see exhibit list enclosed).

6. He never said anything about being too busy to take the case. If he knew he was too busy to become familiar with and present the case in a way to provide an adequate defense he should not have called me and made arrangements to meet.

10. Mr. Dyer had been offered a plea and he said he wanted to discuss it with his family. We (his sister, girlfriend and myself) were taken to a jury room where

we met with Mr. Dyer and Mr. Hoch. We all told Mr. Dyer that it was his decision and asked him to weigh life after either decision. We discussed what it would be like to live under the requirements of the sex offender list and what could happen if he were found guilty. When we left the room we did not know what decision he would make. Dismissal of the weapons charges was only in the discussion of Mr. Dyer stating maybe if he pled guilty to the weapons charges they would remove the sex offender list requirement. Mr. Hoch said that Mr. Dyer would be allowed to leave the state and live with his girlfriend and her 6 year old daughter. The only advice I gave was to look at pleading guilty to something that he did not do and decide if he thought he could live with what it would bring. I also told him that it was his life, not mine, but whatever he decided he would have full family support.

16. The only witnesses in the first trial for the defense, other than the family, were the expert witness for the computer evidence and a friend called as a character witness. The expert witness only testified to what was on the computer and that is not impeachable testimony. The other witnesses were called by the prosecution. These included the OSBI DNA lab employees, Stephens County Sheriff deputies, the forensic interviewer and the physician. Which witnesses did they tell him they were going to impeach?

17. Still unsure who he could be referring to.

20. I knew nothing of any testimony regarding the tent until Mr. Hoch told me the first day of the January trial that the DA had told him the child said it also happened in the tent and she just remembered it (had not been in the forensic interview or in the previous trial). I was in shock that they had decided to put this in. I most certainly did not ever discuss this with him other than to tell him Charles stayed in his tent and the child slept at the house when having pretrial discussions.

24. We cannot control what other people say but we did not want any information about "militia" brought into the trial. I cannot even think what that would be.

26. The "Hinkey Meter" went to the courthouse and read public information and put it on the website. Mr. Dyer's case was only one of several cases followed by and report on by this site. I know of no evidence that was there that we did not already have.

30. I told Mr. Hoch on several occasions that Mr. Dyer had the final say on everything, that it was his case and his life. I only said I would provide anything needed and brought out a few things I actually thought might clarify things for him

and willing to provide whatever I could if there was anything further that he needed.

37. I received a call from Nancy Genovese upon her return to her hotel room. She said her room had been broken into while she was at our home. The people who were visiting at our home went to the hotel room and checked on her and assisted her in filing a police report. (see Bar #9)

38. The only family he discussed were a son in California and a daughter in Oklahoma City (he asked me to make a quilt for each of them as partial payment for the attorney fees), and his ex-wife who lives in Oklahoma City and is an OB/GYN physician. He only told me he went to Las Vegas to help with a case, I did not know of any Public Defender Retreat and Seminar in Las Vegas or anywhere else. I googled and found out that there had been one in Las Vegas April 23-25, 2010 and April 1-3, 2011. He most certainly did not give me any kind of a "schedule" when I hired him.

39. This is the most information about the polygraph I have received from Mr. Hoch. I called his office a few weeks after he told me he would call and let me know something about it to see if he may have left the information for me with his office manager, Larry. The answer I got was that he had no information and was told, "Look, your son has been convicted. You need to accept the fact that he is guilty. Get over it, get on with your life and don't call here any more!" I have not called back after that.

40-41. I did not divulge any information about our oldest son. I received a call from Rick Light about a call he received from Ken Western (FBI agent from Oklahoma City). Mr. Light did not even know our oldest son's name until this call. The bar complaint is on file and can be researched. I did send a letter to the Office of Professional Responsibility after agent Western did not answer my phone calls. I was told that if there was a complaint about something an FBI agent did this was the agency to contact. I have never received a reply. Agent Western has told both my daughter and me that he has nothing to do with the molestation case so I don't understand why he is continuing to be involved.

In addition, Mr. Hoch had apparently not provided the court with an exhibit list prior to the January trial. The Judge gave him 10 minutes to provide it. He wanted to call a witness who he had not proved the reason for. (see enclosed partial transcripts of January trial)

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Re: Areas of agreement/disagreement of answers to complain on Albert Hoch, Jr.

Enclosed is information provided for clarification of the complaint and rebuttal to Mr. Hoch's answers.

Enclosed are the following:

1. Information from Mr. Dyer
2. Information from Mrs. Dyer (Mr. Dyer's mother)
3. Information from Amy Dark (Mr. Dyer's sister)
4. Exhibits as follows listed to reflect paragraph of relevance:
 - 2 Oklahoma State Bureau of Investigation Computer Forensic Report
 - 5A Letter written by Mr. Dyer to his parents and attorney August 15, 2011
 - 5B Article from the Duncan Banner regarding arrest of Charles' father-in-law pulling weapon on Mr. Dyer and his girlfriend
 - 6 Motion to sever or bifurcate trial
 - 7 Partial transcript April, 2012 Trial re: motions in previous trials stand
 - 20A Partial transcripts showing testimony about the tent
 - 20B Partial transcript of child's testimony
 - 32 Mandy's post and added comments from members January 28, 2012

EXHIBITS CONTINUED

33 Article from the Duncan Banner with Sheriff Wayne McKinney's explanation of security at the courthouse during the January, 2011 trial

37 Letter from Nancy Genovese

40-41 Deposition from Rick and Robin Light date September 06, 2011.

Additional: Partial transcript from January, 2012 trial regarding exhibit list