

ATTACHMENT C (Affidavit)

2016 JAN 27 AM 9:38
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LEE COUNTY IOWA
DISTRICT COURT
CLERK

On December 1, 2015 the Iowa Division of Criminal Investigation (DCI) was requested to assist the Lee County Attorney's Office (LCAO) and Department of Human Services (DHS) with a sexual assault investigation. [REDACTED] (a student) (DOB [REDACTED]) at the Midwest Academy (MWA), a boarding school in Lee County Iowa, reported to have been sexually abused (digitally penetrated) by BENJAMIN TRANE (TRANE), the Director/Owner of MWA. [REDACTED] reported the information to several staff members who contacted the DHS and filed a report. The LCAO and DHS requested the Court issue a temporary removal order to remove [REDACTED] from the care of MWA based on the report. DHS received the removal order and was designated as the temporary guardian for [REDACTED]

DHS Child Protection Worker Investigator and Lee County Sheriff's Office (LCSO) removed [REDACTED] from MWA. [REDACTED] was interviewed by DCI Special Agent (S/A) Lestina. The interview process took place over the course of several days. In summary, [REDACTED] advised she was sexually abused by TRANE on several occasions. The sexual acts were described as sexual contact of the genitalia, digital penetration, oral intercourse and vaginal sexual intercourse between TRANE and [REDACTED]. [REDACTED] advised the sexual abuse incidents occurred in the upstairs of the seminar building in the area of the blue couches, in [REDACTED]'s bed in her dorm room and in the basement of TRANE's residence. During some of the incidents, TRANE would ejaculate on [REDACTED] face and body. TRANE did not use a condom during the sexual acts. [REDACTED] would often wipe up the semen with her clothing items. Afterwards, [REDACTED] would wash the clothing items. [REDACTED] described TRANE's residence as the house where TRANE and his family lived on the MWA campus.

Under the auspice of therapy, TRANE would request [REDACTED] physically touch TRANE and other students. At first the touch was on the arm or hand and progressed to hugs and then sexual acts. TRANE required [REDACTED] to talk about her previous sexual experiences and previous experiences where [REDACTED] was sexually abused while in foster care. TRANE promised [REDACTED] success through the seminar programs and school if [REDACTED] did the things he wanted (sexual acts). Additionally, TRANE made promises to adopt and to obtain legal guardianship and custody of [REDACTED].

[REDACTED] reported TRANE groomed her by purchasing her clothing items, a watch, cosmetics and other beauty supplies. On [REDACTED]'s birthday, TRANE took [REDACTED] and [REDACTED] (18 yo female student of MWA) to a Sushi restaurant in Quincy and then took them shopping. One of the shopping places was Victoria's Secret in the Mall. TRANE bought [REDACTED] bras and underwear from Victoria's Secret. At the time TRANE, [REDACTED] and [REDACTED] were in the Victoria's Secret, [REDACTED] was speaking with her sister, [REDACTED] on TRANE's cellular phone. TRANE asked to purchase [REDACTED] bras and underwear from Victoria's Secret but [REDACTED] stated "no, she did not want anything." [REDACTED] advised TRANE would openly take female students to Victoria's Secret and TRANE would purchase them undergarments. [REDACTED] had a conversation with [REDACTED] (15 year old female student of MWA) where [REDACTED] stated TRANE had purchased her undergarments from Victoria's Secret during one of [REDACTED]'s "off grounds" days.

[REDACTED] advised TRANE transported [REDACTED] and many of the other female students around in the vehicles owned by TRANE and Midwest Academy. TRANE would use different MWA vehicles while transporting students.

[REDACTED] grew weary of the sexual abuse by TRANE and reported some of the sexual abuse information to MWA Staff Member CHEYENNE JERRAD. [REDACTED] later reported the information to Counselor JANE RITER.

JERRAD reported the information to DHS at 3:06 PM on 12/1/15. RITER reported the information to DHS at 3:58 PM on 12/1/15. RITER spoke to TRANE prior to reporting the complaint to DHS. TRANE denied any wrong doing and agreed to stay off of the girl's wing at MWA.

On December 22, 2015 DHS Case Worker Jenny Richardson observed TRANE in the Victoria's Secret store purchasing undergarments for MWA female students. TRANE had previously reported to Investigators, TRANE had removed himself from having any contact with the female students while the investigation with ██████████ was ongoing.

On January 13, 2016, Investigators conducted subsequent interviews with ██████████. In summary, ██████████ stated TRANE had videoed and photographed some of the sex acts with his "fancy" camera and a digital recording device.

██████████ later reported, TRANE showed ██████████ one of the video recordings of the sex act on a laptop computer while they were in the basement of TRANE's residence. ██████████ recalled seeing a flash drive in the computer at the time she saw the videos. ██████████ had seen TRANE with the video recorder in the seminar building, in his residence and on a shelf in one of the shop buildings on the campus. TRANE often had the camera in his possession or in his pocket and would never bring out the video camera when other people were around. TRANE often referred to himself as an "amateur photographer".

██████████ advised TRANE had her wear black undergarments during two of the sex acts. The undergarments were described as black underwear (small) and bra (34B) from Victoria's Secret. ██████████ believed TRANE had the undergarments nearby because TRANE hinted at having ██████████ wear them during some of their casual conversations. TRANE required ██████████ to leave the undergarments at his residence after the sex acts. On at least one occasion, TRANE use a vaginal lubricant during intercourse with her.

██████████ advised she was a student at MWA from January of 2015 to December 1, 2015. ██████████ advised the sexual abuse incidents began in April of 2015 and the last incident was described as occurring on November 18, 2015. ██████████ recalled the date of the last sex act because it was the last time she was able to speak to her sister ██████████. ██████████ later verified the date with ██████████'s cellular phone call log.

On January 20, 2016, during an interview with investigators, TRANE advised he had been staying away from the MWA program while the sexual assault investigation was ongoing. TRANE was spending all of his time getting a Substance Abuse Treatment Facility (Midwest Treatment) operational. The Midwest Treatment facility was located at 2818 Hwy 218, Montrose, IA. Investigators were aware TRANE previously operated the Midwest Treatment Facility as a licensed Substance Abuse Treatment Facility, but the facility had closed and license had expired. The building and property is owned by Iowa Trails Investment LLC but operated by TRANE.

According to the Iowa Assessor, the Midwest Academy was owned by Midwest Twister LLC, DBA Midwest Academy (MWA). The MWA campus was located at address 2416 340th Street, Keokuk, IA. The facility was operated by TRANE. TRANE also resides in a house which was built on the campus during 2003.

I find ██████████ to be a creditable informant and the information to be reliable because (1) the information is consistent with reports to staff and to DHS; (2) after building a rapport with her, she has been consistent with her statements. It did take some time to build her trust in investigators. (3) She has provided statements in considerable detail as to the events. (4) ██████████ did not realize that reporting

the acts would cause removal. After talking, she asked if she was going back to the facility. Her guardians are her aunt and uncle. [REDACTED] does not have a good relationship with them. (5) There is no history of false reports of sexual assault or physical abuse, although she may have withheld details of the assault as a result of a distrust of investigators. (6) Some of the information such as TRANE taking students from MWA to Victoria's Secret is collaborated in part by Jennifer Richardson of DHS. (7) She has no known mental health diagnosis. (8) The "grooming" process that she describes TRANE as engaging with her is a textbook example of how a pedophile would groom a target.

The information set forth in this affidavit is based on my knowledge, training, and experience, my own observations, information received from other law enforcement officers and/or witnesses, direct examination of relevant documents and/or Internet websites, and/or interviews with persons named in this affidavit. Since this affidavit is being submitted for the limited purpose of assisting in securing a search warrant, your affiant has not included each and every fact known to me concerning this investigation. Your affiant has set forth the facts believed to be necessary to establish probable cause.

Based upon your affiant's own knowledge, experience, and training in child exploitation and child pornography investigations, and the training and experience of other law enforcement officers with whom I have had discussions, there are certain characteristics common to individuals involved in such activity:

- Individuals who are interested in sexually exploiting or enticing minors may be communicating with multiple individuals to obtain multiple possible victims.
- Participants may receive sexual gratification, stimulation, and satisfaction from viewing minors engaged in sexual activity or in sexually suggestive photographs, or other visual media; or from messages describing such activity.
- Participants may send sexually explicit photos of themselves to multiple minors in order to lower inhibitions of minors they are attempting to seduce, to arouse the selected minor partner, or to demonstrate desired sexual acts.
- Participants may retain pictures, videos, and messages indefinitely as they prefer not to be without their images and/or videos for any prolonged time period.
- Participants often sort their collections of photos and/or videos, labeling them with the names or nick names of the person shown.
- Participants often backup or save their collections in more than one place to ensure the files are not lost.
- Participants often save photo and video files to mobile devices such as cell phones and Ipod type devices that can be carried on their person and viewed at will or transferred to other devices such as computers.
- Individuals who use social websites may access the sites from multiple different devices such as iPad, computers, and cell phones. Students may use personal computers.
- Documents, files, images on seized devices can identify additional unknown minor victims.
- Items that have been deleted can still reside on a computer or other devices and is potentially retrievable.

This affidavit for search warrant is being applied for by Iowa Department of Public Safety, Division of Criminal Investigations (DCI), Special Agent Joe Lestina. I have been employed by the Department of Public Safety for 16 years and have been a Special Agent for approximately 8 years, with primary responsibilities of conducting major criminal investigations including but not limited to: death investigations, fraud investigations, officer involved shootings, prostitution, child pornography, etc. I have a Bachelors of Science Degree with Park University and a Masters of Arts Degree in Criminal Justice with American Military University. I have attended the Iowa Department of Public Safety Law Enforcement Academy, the Criminal Investigator Training Program through the Federal Law Enforcement Training Center and the Special Investigator's Academy through the Air Force Office of Special Investigations.

I have personally conducted or assisted in numerous investigations involving alleged criminal violations of death investigations, fraud investigations, child pornography and conspiracy to commit these crimes, including the use and analysis of computers and cellular phones in the commission of the crimes. These include state, federal and military investigations.

COMPUTER DATA:

1. Based upon my training, experience and information related to me by other law enforcement officers and others involved in the forensic examination of computers, I know that computer data can be stored on a variety of systems and storage devices including but not limited to hard disk drives, floppy disks, optical discs, flash media, thumb-drives, magnetic tapes, memory chips and cellular phone technology including smart phones. I also know that during the search of the premises, it is not possible to search computer equipment and storage devices for data for a number of reasons, including the following:
2. Searching computer systems is a highly technical process which requires specific expertise and specialized equipment. There are so many types of computer hardware and software in use today that it is impossible to bring to the search site all of the necessary technical manuals and specialized equipment necessary to conduct a thorough search. In addition, it may also be necessary to consult with computer personnel who have specific expertise in the type of computer, software application or operating system that is being searched.
3. Searching computer systems requires the use of precise, scientific procedures which are designed to maintain the integrity of the evidence and to recover hidden, erased, compressed, encrypted or password-protected data. Computer hardware and storage devices may contain "booby traps" that destroy or alter data if certain procedures are not scrupulously followed. Since computer data is particularly vulnerable to inadvertent or intentional modification or destruction, a controlled environment, such as a law enforcement laboratory, is essential to conducting a complete and accurate analysis of the equipment and storage devices from which the data will be extracted.
4. The volume of data stored on many computer systems and storage devices will typically be so large that it will be highly impractical to search for data during the execution of the physical search of the premises. A single megabyte of storage space is the equivalent of 500 double-spaced pages of text. A single gigabyte of storage space, or 1,000 megabytes, is the equivalent of 500,000 double-spaced pages of text.
5. Computer users can attempt to conceal data with in computer equipment and storage devices through a number of methods, including the use of innocuous or misleading filenames and extensions. For example, files with the extension ".jpg" often are image files. However, a user can easily change the extension to ".txt" to try to conceal the data. Encryption can be used, which means that a password or device, such as a "dongle" or "security key", is necessary to decrypt the data into a readable form. In addition, computer users can conceal data with in another seemingly unrelated and innocuous file in a process called "steganography." For example, by using steganography a computer user can conceal

text in an image file which cannot be viewed when the image file is opened. Therefore, a substantial amount of time is necessary to extract and sort through data that is concealed or encrypted to determine whether it is evidence, contraband or instrumentalities of a crime.

6. In my training and experience, I have found that persons who search for, and possess images and movies of child pornography, children/minors in erotic poses and involved in sexual acts often do keep extensive "libraries" of the images and movies. Also, they tend not to get rid of these images and movies, and frequently trade and/or exchange them with other pedophiles. The computer is a frequently used medium in which to trade these images and movies.