

1 believe him.

2 He is not God here. He was God at
3 Midwest Academy. He wasn't questioned at
4 Midwest Academy. Everybody took what he
5 said no matter what.

6 You now have the power and the
7 control. Use it to seek the truth, use it
8 to do justice and find him guilty, guilty
9 on each and every count.

10 Thank you.

11 (The Court read the remaining jury
12 instructions to the jury.)

13 THE COURT: Ladies and gentlemen, I
14 don't believe you have the verdict form
15 attached to your copies. However, it's
16 pretty straightforward. Count I is the
17 Sexual Abuse offense. On the second page
18 is the Pattern, Practice, or Scheme, and
19 on the third page is the Child
20 Endangerment. On each of those counts,
21 you have to have--that's where you need to
22 enter your verdict, okay? So they're
23 separated by page and each goes by Count
24 I, Count II, Count III. It's pretty
25 straightforward once you get a chance to

1 look at it.

2 You will have copies of the jury
3 instructions. You have a bunch of those.
4 The originals will have my signature line
5 and also the verdict forms attached. I'll
6 have it put together with this green clip.
7 So you might want to keep that one
8 separate, okay?

9 Ms. [REDACTED] and Ms. [REDACTED], you are
10 the alternates in this case. You won't
11 take part in the deliberations. However,
12 I would ask that you abide by the
13 admonition not to speak or communicate
14 about the case until such time as a
15 verdict is rendered in this case. You can
16 call the Clerk's office tomorrow and see
17 if a verdict was entered.

18 And, again, your service in this
19 case was very much appreciated.
20 Alternates are used very often. The last
21 case I had two months ago--or less than a
22 month ago, we lost two so we had to use
23 the alternates in that. So again, it was
24 a very valuable service. I was somewhat
25 surprised that we didn't lose anybody over

1 two weeks because often that happens
2 because of illness and so forth.

3 So we really appreciate your
4 service. Without your service, it really
5 would have been very difficult to go
6 forward in this case.

7 (The court attendant was given an
8 oath by the Court.)

9 THE COURT: Ladies and gentlemen,
10 we'll plan on going until about, again,
11 the same schedule, 4:30 to 5:00. If for
12 some reason you want to stay a little bit
13 longer, that's fine.

14 I have to give you instructions on
15 how--plan on coming back tomorrow about
16 8:30 in the morning. I have to give you
17 instructions on that. As you can see, the
18 roofing people here are opening and
19 closing doors. If I got my directions
20 correctly, the Blondeau door, which has
21 been closed, will now be open, I think.
22 This door (indicating) will be shut. I
23 think I'm going the right direction. That
24 will be closed off for construction.

25 The second issue is that it's a

1 county holiday tomorrow but not a State
2 holiday. So the county offices are
3 closed, and we've been asked to basically
4 keep all the doors locked, just letting
5 people in and out as we go. So we'll deal
6 with that at the close of the day, but
7 there will be a little bit of
8 complications there.

9 With that you can begin your
10 deliberations.

11 (The jury began deliberations at
12 3:43 p.m.)

13 (In open court, outside the
14 presence of the jury, in the presence of
15 the Court, the Defendant, and counsel at
16 4:45 p.m.)

17 THE COURT: The record shall
18 reflect all counsel are present and the
19 Defendant. We're at about a quarter to
20 5:00. The jury informed the court
21 attendant that they wish to adjourn for
22 today and come back tomorrow morning, and
23 we'll just bring them in.

24 I need to give some instructions to
25 the rest of you. I think I've told a lot

1 of the press but, again, tomorrow is a
2 county holiday. The doors will be locked.
3 So if someone needs to get in, the people,
4 the other people interested also need to
5 call the Clerk's office and they can let
6 you in. Someone in the Clerk's office
7 will come down and let you in, all right?

8 You can bring in the jury.

9 (In open court, in the presence of
10 the jury, the Court, the Defendant, and
11 counsel at 4:48 p.m.)

12 THE COURT: Please be seated
13 everyone.

14 The Court was informed by Ms.
15 [REDACTED] that you wish to come back
16 tomorrow morning. So would 8:30 work for
17 all of you?

18 (All jurors responded in the
19 affirmative.)

20 THE COURT: All right, 8:30.
21 Remember what I said, somebody from the
22 Clerk's office is going to start being
23 down there about 8:15 tomorrow morning at
24 the Blondeau door, so they will let you in
25 until we get all 12 of you in. Then they

1 will lock it back up again. This is a
2 county building. We just use the
3 facilities. So that's why we have to do
4 it.

5 A couple of other things. If for
6 some reason someone gets locked out or
7 anything else, call the Clerk's office
8 because the State offices are open
9 tomorrow and tell them you're locked out,
10 or if you don't know which door to go to
11 or something like that. If something like
12 that happens, call the Clerk's office, the
13 South Lee County Clerk's Office, and they
14 will let you know or tell you where to go.

15 Remember, just keep an open mind.
16 Deliberate the case in there, not anywhere
17 else. All right. Have a good evening.

18 (A recess was taken at 4:50 p.m. on
19 December 21, 2017, to reconvene at 8:30
20 a.m. on December 22, 2017.)

21 (In open court, outside the
22 presence of the jury, in the presence of
23 the Court, the Defendant, and counsel at
24 10:20 a.m. on December 22, 2017.)

25 THE COURT: Please be seated

1 everyone. The record shall reflect that
2 Ms. Timmins appears for the State and Ms.
3 Schaefer appears with the Defendant.

4 The Court has been informed a
5 verdict has been reached in this case.
6 Before bringing the jury in to announce
7 the verdict, I just want to remind--and I
8 understand this has been an emotional case
9 for both sides. I don't want any
10 emotional outbursts or anything like that,
11 talking, or anything when the verdict is
12 read. I understand that might be a
13 problem for some people. If it is, have a
14 seat outside the courtroom or just wait
15 outside the courtroom, okay?

16 The other thing, ladies and
17 gentlemen, after the verdict is read and
18 announced, give the jury a chance to leave
19 before anyone in the courtroom is allowed
20 to leave because there's only one hallway
21 out of there. After that that they can do
22 what they want, but I want to give them
23 the opportunity to leave first if they
24 choose to do so.

25 You may bring in the jury.

1 (In open court, in the presence of
2 the jury, the Court, the Defendant, and
3 counsel at 10:25 a.m.)

4 THE COURT: Please be seated
5 everyone.

6 The jury has now been seated.
7 Before we proceed, ladies and gentlemen,
8 the court attendant will take a roll call
9 of the jury. Please signify your presence
10 when she states your name.

11 THE COURT ATTENDANT: [REDACTED]
12 [REDACTED]

13 JUROR A [REDACTED]: Yes.

14 THE COURT ATTENDANT: [REDACTED]
15 [REDACTED]

16 JUROR B [REDACTED]: Yes.

17 THE COURT ATTENDANT: [REDACTED]
18 [REDACTED].

19 JUROR C [REDACTED]: Yes.

20 THE COURT ATTENDANT: [REDACTED]

21 JUROR D [REDACTED]: Yes.

22 THE COURT ATTENDANT: [REDACTED]
23 [REDACTED].

24 JUROR E [REDACTED]: Yes.

25 THE COURT ATTENDANT: [REDACTED]

1 FOREPERSON H [REDACTED]: Yes.

2 THE COURT ATTENDANT: [REDACTED]
3 [REDACTED]

4 JUROR H [REDACTED] Yes.

5 THE COURT ATTENDANT: [REDACTED]
6 [REDACTED]

7 JUROR J [REDACTED] Yes.

8 THE COURT ATTENDANT: [REDACTED]
9 [REDACTED]

10 JUROR M [REDACTED]: Yes.

11 THE COURT ATTENDANT: [REDACTED]
12 [REDACTED].

13 JUROR M [REDACTED]: Yes.

14 THE COURT ATTENDANT: [REDACTED]

15 JUROR V [REDACTED] Yes.

16 THE COURT ATTENDANT: [REDACTED]

17 JUROR W [REDACTED] Yes.

18 THE COURT: Mr. [REDACTED] my

19 understanding is you were the foreperson
20 of the jury; is that correct?

21 FOREPERSON H [REDACTED] That's correct.

22 THE COURT: And, sir, was there a
23 verdict reached on each of the counts in
24 this case?

25 FOREPERSON H [REDACTED]: Yes, it was.

1 THE COURT: On each of those
2 counts, was that verdict unanimous?

3 FOREPERSON H [REDACTED] Yes, it was.

4 THE COURT: All right. Sir, if you
5 would hand the verdict forms to the court
6 attendant at this time.

7 (The court attendant delivered the
8 verdict forms to the Court.)

9 THE COURT: As to Count I, the
10 verdict is Form of Verdict No. 2, "We find
11 Benjamin Trane guilty of Assault with
12 Intent to Commit Sexual Abuse."

13 As to Count II, Form of Verdict No.
14 1, Pattern, Practice, or Scheme to Engage
15 in Sexual Exploitation by Counselor or
16 Therapist, the Verdict Form is Form 1, "We
17 find Benjamin Trane guilty of Pattern,
18 Practice, or Scheme to Engage in Sexual
19 Exploitation by Counselor or Therapist."

20 Count III, Child Endangerment, Form
21 1, "We find Benjamin Trane guilty of Child
22 Endangerment."

23 Each of those is signed by the
24 foreperson.

25 Is that the verdict of each and

1 every one of you as to each of those
2 forms?

3 (All jurors responded in the
4 affirmative.)

5 THE COURT: Everybody is signifying
6 yes.

7 Each party has a chance to ask for
8 a polling of the jury in this case.

9 Does the State wish to have that
10 polling taken?

11 MS. TIMMINS: No, Your Honor.

12 THE COURT: Ms. Schaefer?

13 MS. SCHAEFER: Yes, Your Honor.

14 THE COURT: Ladies and gentlemen,
15 at this time the court attendant will ask,
16 is that your verdict? And just make sure
17 your response is yes or no as to the
18 verdict forms that I read.

19 THE COURT ATTENDANT: [REDACTED]
20 [REDACTED] is that your verdict?

21 JUROR A [REDACTED]: Yes.

22 THE COURT ATTENDANT: [REDACTED]
23 [REDACTED], is that your verdict?

24 JUROR A [REDACTED]: Yes.

25 THE COURT ATTENDANT: [REDACTED]

1 [REDACTED], is that your verdict?

2 JUROR CA [REDACTED] Yes.

3 THE COURT ATTENDANT: [REDACTED],
4 is that your verdict?

5 JUROR D [REDACTED]: Yes.

6 THE COURT ATTENDANT: [REDACTED]

7 [REDACTED], is that your verdict?

8 JUROR D [REDACTED]: Yes.

9 THE COURT ATTENDANT: [REDACTED],
10 is that your verdict?

11 FOREPERSON H [REDACTED]: Yes.

12 THE COURT ATTENDANT: [REDACTED]

13 [REDACTED], is that your verdict?

14 JUROR H [REDACTED]: Yes.

15 THE COURT ATTENDANT: [REDACTED]

16 [REDACTED], is that your verdict?

17 JUROR J [REDACTED]: Yes.

18 THE COURT ATTENDANT: [REDACTED]

19 [REDACTED] is that your verdict?

20 JUROR M [REDACTED]: Yes.

21 THE COURT ATTENDANT: [REDACTED]

22 [REDACTED], is that your verdict?

23 JUROR M [REDACTED] Yes.

24 THE COURT ATTENDANT: [REDACTED],

25 is that your verdict?

1 JUROR V [REDACTED] Yes.

2 THE COURT ATTENDANT: [REDACTED]

3 is that your verdict?

4 JUROR V [REDACTED]: Yes.

5 THE COURT: Does any party wish any

6 further record made on any issue

7 pertaining to the jury, Ms. Timmins?

8 MS. TIMMINS: I'm sorry?

9 THE COURT: Do you wish any further

10 record made regarding the jury at this

11 time?

12 MS. TIMMINS: No, Your Honor.

13 THE COURT: Ms. Schaefer?

14 MS. SCHAEFER: No, Your Honor.

15 THE COURT: Ladies and gentlemen,

16 that will conclude your service in this

17 case, and I want to thank each and every

18 one of you for that service.

19 As stated many times during this

20 trial, your dedication, I noted at all

21 times you were paying very close attention

22 to the testimony as it was presented. You

23 took a lot of notes. You were very

24 patient with our schedule that sometimes

25 went late in the day and sometimes through

1 the noon hour.

2 The goal was to try and get the
3 case done, especially before the holidays,
4 if possible. Again, we appreciate that
5 dedication very much. You went way beyond
6 the call of duty. I apologize for the
7 inconveniences, again, of going late some
8 days, and I apologize for going into the
9 noon hour some days. Again, I think it
10 was necessary to get the case tried in a
11 timely fashion.

12 With that, thank you very much for
13 your service. You are released from your
14 prior admonition. You are free to go.
15 Everyone will stay in the courtroom until
16 you've had a chance to go get your
17 belongings and leave the courthouse if you
18 wish. After that you can do what you
19 want, okay?

20 I can't go into any questions about
21 your verdict in this case. But if any of
22 you--I'll be here for a while yet, but if
23 any of you have any questions of a general
24 nature regarding your service in this
25 case, and particularly were you

1 comfortable, were you treated with
2 respect, anything like that. I'd like to
3 have your feedback because that's
4 important for future cases.

5 So if any of you felt you weren't
6 respected properly, scheduling,
7 uncomfortable, anything, I'll be around
8 and I'd be glad to take any responses or
9 any suggestions you have, okay?

10 MS. TIMMINS: Judge, excuse me.
11 Could you let the jury know that they can
12 speak with the parties, too, if they want?

13 THE COURT: Again, you can speak
14 with the parties if you wish. You don't
15 have to. Don't feel pressured. You can
16 just say no if you want or you can say
17 yes. Whatever you want to do. Sometimes
18 they send out questionnaires regarding
19 general questions, what can we do to make
20 it better, things like that. You're under
21 absolutely no obligation to respond to
22 those questions. That's totally your
23 decision. Don't think you're under any
24 pressure to do so, okay?

25 All right. With that, thank you

1 very much for your service.

2 (The jury was excused at 10:30
3 a.m.)

4 (In open court, in the presence of
5 the Court, the Defendant, and counsel at
6 10:31 a.m.)

7 THE COURT: Please be seated
8 everyone.

9 The jury has now left. Based on
10 the verdicts reached in this case, the
11 Defendant will stand convicted in Count I
12 of the lesser included offense of Assault
13 With Intent to Commit Sexual Abuse, in
14 violation of Iowa Code Section 709.11 of
15 the Code of Iowa.

16 He will stand convicted in Count II
17 of Pattern, Practice, or Scheme to Engage
18 in Sexual Exploitation by a Counselor or
19 Therapist as charged in the Trial
20 Information in Count II.

21 He's found convicted of the charge
22 of Child Endangerment in Count III as
23 charged in the Trial Information, which
24 would be an aggravated misdemeanor.

25 Prior to sentencing the Court will

1 order that a presentence investigation
2 report be completed in this case. I'll
3 set a sentencing date approximately eight
4 weeks from today's date. I'll check the
5 schedule with Court Administration before
6 that. However, we'll try and get that
7 today. It will be about eight weeks from
8 today.

9 The Defendant needs to report to
10 the Department of Correctional Services
11 within five days to make arrangements to
12 complete the presentence investigation.

13 Is there anything else, Ms.
14 Timmins, regarding the record?

15 MS. TIMMINS: No, Your Honor.

16 THE COURT: Ms. Schaefer?

17 MS. SCHAEFER: No, Your Honor.

18 THE COURT: All right. That will
19 conclude the proceedings here today, and
20 we'll get that date as soon as we can.

21 (The proceedings concluded at 10:35
22 a.m. on December 22, 2017.)

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C E R T I F I C A T E

I, Scott A. Landon, a Certified Shorthand Reporter for the State of Iowa, do hereby certify that I acted as the official court reporter at the hearing in the above-entitled matter at the time and place indicated; that I took in shorthand all of the proceedings had at the said time and place; that said shorthand notes were transcribed by me; and, that the foregoing pages are a full and complete transcript of the shorthand notes so taken.

Dated this 5th day of March, 2018.

 /s/ Scott A. Landon
CERTIFIED SHORTHAND REPORTER

Transcript ordered: January 18, 2018
Transcript delivered: March 6, 2018