

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JOE LESTINA,

called as a witness by the State, being first duly sworn by the Court, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. TIMMINS:

Q. Would you please state your name.

A. Joe Lestina.

Q. Would you spell that for the court reporter, please.

A. J-o-e, L-e-s-t-i-n-a.

Q. And we're in a really big courtroom and we've got some noise up here from the wind, so if you could speak up really loud, it would be great. Where do you work at?

A. I currently work for the Iowa Division of Criminal Investigation.

Q. What is that?

A. That is the State of Iowa law enforcement agency that conducts major crime, felony level investigations throughout the State of Iowa.

Q. How long have you been there?

A. I've been there approximately three

1 years.

2 Q. What is your educational
3 background?

4 A. I have a four-year degree, a
5 bachelor's degree in management. I also
6 have a master's degree in Criminal
7 Justice.

8 Q. What is your employment history?

9 A. I was four years in active duty Air
10 Force where I separated, and I was hired
11 as a fire inspector for the Iowa
12 Department of Public Safety where I spent
13 seven years as a fire inspector. Then I
14 was promoted to a special agent with the
15 Arson and Explosives Bureau with the Fire
16 Marshal's Office where I stayed there
17 until transferring over to the DCI.

18 Q. Just so we know, you said you went
19 with the Fire Marshal's with the
20 Department of Public Safety; correct?

21 A. That is correct.

22 Q. Is the Department of Public Safety
23 the umbrella of several divisions?

24 A. Yes, ma'am.

25 Q. What divisions fall under DPS?

1 A. We have the Iowa State Patrol, the
2 Division of Criminal Investigation, the
3 Division of Intelligence, the State Fire
4 Marshal's Office.

5 Q. So you worked for the Fire
6 Marshal's Office for several years, and
7 then you transferred over to the DCI?

8 A. That's correct.

9 Q. Where did you start out at with the
10 DCI?

11 A. In the Mount Pleasant field office.

12 Q. You didn't have to start at a
13 casino?

14 A. No, ma'am.

15 Q. Is that just because of your prior
16 experience at the Fire Marshal's Office?

17 A. That is correct.

18 Q. What type of training or education
19 did you have to have to get into, first,
20 the Fire Marshal's Office, and then the
21 DCI?

22 A. The first thing that we have to go
23 through is the Iowa Law Enforcement
24 Academy put on by the Department of Public
25 Safety. At the time I went through, it

1 was a 20-week course where they taught us
2 all of the facets of law enforcement. In
3 addition to that, we would get on-the-job
4 training depending on the specific job
5 that you had been hired for. I personally
6 had additional training throughout with
7 the Fire Marshal's Office, everything from
8 being a certified bomb technician and
9 certified fire investigator at the time.

10 Q. And you also have a military
11 background?

12 A. Yes, ma'am.

13 Q. Just generally, what type of
14 investigations do you do as a DCI agent?

15 A. As a DCI agent, we primarily
16 conduct felony level crimes, anything from
17 homicides to sometimes we investigate just
18 regular death investigations as well as
19 sexual abuse investigations, frauds, bank
20 robberies, and those types of crimes.

21 Q. What type of training or education
22 do you have in sexual abuse
23 investigations?

24 A. I'm also a member of--I'm a special
25 agent with the Air Force Office of Special

1 Investigations for the Air Force Reserves.
2 And one of the things that we investigate
3 is--there are three primary things--one of
4 them is criminal investigations,
5 counterintelligence investigations, and
6 fraud investigations.

7 And within the last ten years, the
8 military has really begun to expand the
9 focus of investigations into sexual abuse
10 investigations. So I've had extensive
11 training dealing with sexual abuse
12 investigations where I've actually worked
13 approximately 30 investigations of my own.
14 And as a supervisor and commander of the
15 unit that I was assigned to, I've reviewed
16 and staffed over 100-plus sexual abuse
17 investigations.

18 Q. So you're still involved in the
19 military; correct?

20 A. Yes, ma'am.

21 Q. In fact, during the time with the
22 DPS, the Department of Public Safety,
23 you've been called out several times to go
24 overseas or to do some duties with the
25 military; is that right?

1 A. Yes, ma'am.

2 Q. Agent Herman testified earlier.
3 He's in the Mount Pleasant office with
4 you; is that right?

5 A. Yes, ma'am.

6 Q. Did you become involved in an
7 investigation of Midwest Academy?

8 A. Yes, ma'am.

9 Q. When did you become involved?

10 A. December 1st, approximately 4:45
11 p.m.

12 Q. Of 2015?

13 A. That's correct.

14 Q. How were you notified?

15 A. I was contacted telephonically by
16 Assistant County Attorney Clinton
17 Boddicker.

18 Q. Did he ask for your assistance?

19 A. Yes, ma'am.

20 Q. What did you do when you were first
21 notified?

22 A. We conducted a briefing of the
23 information that he had, and that allowed
24 me to begin to network with the local
25 Sheriff's office as well as the DHS

1 investigator that was also contacted in
2 regards to the allegations.

3 Q. And who was that DHS investigator?

4 A. That was Child Protective Worker
5 Beth Webster.

6 Q. All right. So you start
7 coordinating with these individuals. Then
8 what do you do?

9 A. I coordinated with the Lee County
10 Sheriff's Office and the DHS to arrange
11 for the victim, Kxxxxxx [REDACTED], to be
12 removed from the facility in accordance
13 with a court order based on Clinton
14 Boddicker's direction, and we brought her
15 to the Lee County Sheriff's Office where
16 we conducted an initial interview with
17 her.

18 Q. Now, were you one of the persons
19 who went to the facility and picked her up
20 and took her out, or where were you?

21 A. No, ma'am. I remained at the Lee
22 County Sheriff's Office. We had two
23 uniformed officers go with CPW Webster.

24 Q. So you're at the Lee County
25 Sheriff's Office, and they bring Kxxxxxx

1 there; correct?

2 A. Yes, ma'am.

3 Q. And then what happens?

4 A. Then I take a few minutes to get
5 briefed by CPW Webster in regards to the
6 information that she had received. During
7 that time, we came up with a plan to
8 conduct an interview with Kxxxxxxx.

9 Q. How old was Kxxxxxxx at the time?

10 A. She was 17 years old.

11 Q. Now, there are child protection
12 centers that do interview children who
13 have made statements about sexual assault;
14 correct?

15 A. Yes, ma'am.

16 Q. But it appears that you made a
17 decision to do the interview yourself; is
18 that right?

19 A. Yes, ma'am.

20 Q. What kind of factors went into that
21 decision?

22 A. The first factor was the time of
23 night. It was somewhere around 8 o'clock
24 p.m. So what we wanted to do is we wanted
25 to speak with her and see how much

1 information she would provide us. And
2 during that process, she began to disclose
3 information.

4 Q. So you continued to talk to her?

5 A. Yes, ma'am.

6 Q. All right. So let's go back a
7 little bit. Kxxxxxxx is pulled out of the
8 school; she's now sitting at the Sheriff's
9 office. Where do you take her to speak
10 with her?

11 A. We took her into one of the local
12 Sheriff's office interview rooms.

13 Q. Did you sit her down and say, well,
14 tell me what happened, or did you do some
15 things to build some rapport with her?

16 A. No, ma'am. One of the things that
17 we attempt to do in every victim-centered
18 interview is we really just try to let the
19 victim know that everything is on their
20 terms, letting them know that we don't
21 make any promises about the way things
22 will occur if any information is released
23 or not released. We just really allow
24 them to make all of the decisions with
25 their disclosure.

1 And in that situation, I just began
2 to build rapport with Kxxxxxxx and speak to
3 her about things that were not quite as
4 invasive in an attempt to get her to
5 disclose the information that she
6 previously stated.

7 Q. How was she with you at first?

8 A. She was extremely resistant to
9 providing information about anything
10 related to the allegations.

11 Q. Was she responsive to you?

12 A. She did respond to me when we were
13 talking about general things about the
14 academy, things like the structure of the
15 academy, how things worked, kind of the
16 inner workings of everything in her day-
17 to-day life at the academy. She was fairly
18 willing to discuss those items.

19 Q. But then at some point if you would
20 turn to some of the more invasive-type
21 questions about what had happened with the
22 Defendant, did she tend to shut down some?

23 A. She did.

24 Q. Over time, and taking your time
25 with her, did she seem to become more

1 comfortable?

2 A. Yes, she did.

3 Q. Do you know, how long did it take
4 for her to open up to you about the sexual
5 assault?

6 A. It was well over two hours and
7 forty-five minutes before she started to
8 talk about her initial statement that she
9 had made. And then it was much later than
10 that when she actually started getting
11 into details of the sexual abuse.

12 Q. How long were you with her that
13 night?

14 A. We spent approximately four hours
15 with her the first night on December 1st.

16 Q. You started at--you said it was
17 about 8 o'clock p.m.?

18 A. Yes, ma'am.

19 Q. So you talked up until midnight
20 then?

21 A. Yes, ma'am.

22 Q. By midnight were you done with your
23 interview?

24 A. No, ma'am.

25 Q. What did you decide to do?

1 A. Myself and CPW Webster, we decided
2 to take a break because we knew that it
3 had been a very long afternoon for her,
4 and we wanted to give her the opportunity
5 to get some rest so that we could continue
6 gathering information on her timeframe the
7 next day.

8 Q. So did you meet with her the next
9 day?

10 A. Yes, ma'am.

11 Q. Where?

12 A. At the Lee County Sheriff's Office.

13 Q. When?

14 A. We met at approximately 12:00 to
15 1:00 in the afternoon the second day.

16 Q. You continued speaking with
17 Kxxxxxxx?

18 A. Yes, ma'am.

19 Q. Did she continue to open up some
20 more to you?

21 A. Yes, she did.

22 Q. Did it still appear to you that she
23 was having difficulty talking to you?

24 A. Yes, ma'am. There were times where
25 she would completely stop talking, and she

1 began to be very closed off. And she
2 would do things like put her head down,
3 look away for long periods of time. And
4 that was one of the things that I
5 understood that she was having a very
6 difficult time speaking about the
7 information.

8 Q. You took your time with her?

9 A. Yes, ma'am.

10 Q. How long did that interview last
11 that day?

12 A. It was approximately four hours as
13 well.

14 Q. At the end of the four hours, did
15 you feel that you had full information, or
16 did you want to speak with her more?

17 A. No, ma'am. I didn't feel that we
18 had full information, because she had only
19 begun to discuss very basic details.
20 Although she continued to disclose
21 throughout the interview, it just appeared
22 that there was much more that she wanted
23 to talk about but she was having
24 difficulty.

25 Q. So over the next several days, did

1 you speak to Kxxxxxxx several times?

2 A. Yes, ma'am.

3 Q. How many?

4 A. We spoke to her on December 1st,
5 December 2nd, and December 3rd. We also
6 spoke to her again on December 7th and
7 December 8th.

8 Q. Was Kxxxxxxx staying in Keokuk
9 during that time?

10 A. Yes, ma'am.

11 Q. Now, in your training and
12 experience with sexual assault
13 investigations, is that abnormal for
14 someone reporting a sexual assault to have
15 difficulty talking about it?

16 A. No, ma'am. It's very normal with
17 the way the victimology works, and every
18 victim is different.

19 Q. Is it abnormal that persons
20 sometimes, and not even just a sexual
21 assault, but any type of witness to a
22 crime that was maybe traumatic, that it
23 takes them time to bring out details, and
24 it may be a day or two days or sometimes a
25 week or more when different details come

1 out?

2 A. Based on my training and
3 experience, everybody is different on how
4 quickly they can provide information.
5 That's correct.

6 Q. All right. Due to the difficulties
7 that Kxxxxxx was having, did you at some
8 point ask her to write out a witness
9 statement?

10 A. Yes, ma'am.

11 Q. Did that seem to work better with
12 her?

13 A. It did.

14 Q. So you had done a lot of
15 discussions with her, and then you also
16 had her write out a witness statement;
17 correct?

18 A. That is correct.

19 Q. And was the written statement
20 consistent with what she had been verbally
21 telling you?

22 A. Yes, ma'am.

23 Q. All right. During your time with
24 Kxxxxxx over these days, did she disclose
25 that the Defendant had sexual contact with

1 her?

2 A. Yes, ma'am.

3 Q. After your interviews with Kxxxxxxx,
4 did she remain in Keokuk?

5 A. She remained in Keokuk on December
6 8th, and then I believe she left the area
7 on December 9th.

8 Q. And are you aware where she went
9 to?

10 A. She originally went to live with
11 her grandfather in Kansas.

12 Q. And then where after that?

13 A. And then she later went to live
14 with her sister, [REDACTED], in
15 Minneapolis, Minnesota.

16 Q. You remained in touch with her
17 though; correct?

18 A. Yes, ma'am.

19 Q. While these investigations are
20 going on--or excuse me--while these
21 interviews are going on, and also after
22 Kxxxxxxx left, are you starting to dig into
23 Midwest Academy?

24 A. Yes, ma'am. We began to just
25 collect background information. I began

1 to reach out to the FBI in regards to
2 their previous investigation that they had
3 from earlier in 2015. And we began to
4 just collect all of the information we
5 possibly could to include reaching out to
6 the Victoria's Secret in Quincy in the
7 attempts to gain additional information.

8 Q. And why did you reach out to the
9 Victoria's Secret in Quincy?

10 A. During Kxxxxxxx's statements, she
11 advised that the Defendant had taken her
12 to the Victoria's Secret in Quincy, and it
13 would have to be on her birthday. So we
14 were hoping to be able to go back and get
15 the surveillance video or any type of
16 receipts to be able to prove that the
17 Defendant had taken Kxxxxxxx to Victoria's
18 Secret on her birthday.

19 Q. Were you able to obtain anything
20 from them?

21 A. No, ma'am.

22 Q. Why is that?

23 A. We were advised that if somebody
24 doesn't pay for items with a credit card,
25 there would be no actual record to be able

1 to go back and prove the actual purchase.
2 But we were also not able to obtain any
3 surveillance video because the cameras
4 only went back approximately three weeks
5 before they started to record over. And
6 by the time we had the information, it was
7 past the time that the data was available.

8 Q. I'm not from this area, so where is
9 Quincy?

10 A. Quincy, Illinois, is approximately
11 one hour southeast of here in Illinois.

12 Q. And where is the Victoria's Secret
13 in Quincy?

14 A. It would be in the Quincy Mall.

15 Q. All right. You also said you
16 reached out to the FBI. I assume you had
17 been made aware through some source that
18 they had also been involved looking at
19 MWA?

20 A. Yes, ma'am.

21 Q. So what agencies at this point are
22 you working with and coordinating with?

23 A. I'm working with the FBI, the Lee
24 County Sheriff's Office, the Special
25 Enforcement Operations Bureau with the

1 DCI, as well as the Internet Crimes
2 Against Children Task Force officers, Iowa
3 State Patrol, and State Fire Marshal's
4 Office.

5 Q. After Kxxxxxx left, you're doing
6 this groundwork for your investigation.
7 Was there a point in time that you had
8 decided that you wanted to go speak with
9 her again?

10 A. Yes, ma'am.

11 Q. Why is that?

12 A. I felt that Kxxxxxx had additional
13 information that she wanted to provide,
14 but there was also additional
15 investigative steps that we wanted to
16 complete with her.

17 Q. So did you go see her?

18 A. Yes, ma'am.

19 Q. When was that?

20 A. January 12, 2016.

21 Q. Where did you meet her at?

22 A. We met her at the University of
23 Minneapolis (sic) Police Department.

24 Q. Who went there?

25 A. Myself and CPW Beth Webster.

1 Q. During your time with her in
2 Minnesota, did you ask her to do a pretext
3 phone call?

4 A. Yes, ma'am.

5 Q. What is a pretext phone call?

6 A. A pretext phone call is an
7 investigative technique that law
8 enforcement uses to have victims contact
9 defendants in the attempt to gather
10 information that would be able to
11 substantiate or unsubstantiate
12 allegations.

13 Q. Did Kxxxxxxx agree to do that?

14 A. Yes, ma'am.

15 Q. So what did you ask her to do?

16 A. I started to ask Kxxxxxxx if she
17 would text the Defendant to see if we
18 would be able to receive a response to a
19 texting.

20 Q. So Kxxxxxxx had the Defendant's
21 personal phone number?

22 A. Yes, ma'am.

23 Q. So did she text him?

24 A. Yes, ma'am.

25 Q. Was there any response?

1 A. No, ma'am.

2 Q. What else did you ask her to do?

3 A. Once we didn't receive a response
4 via text, I asked Kxxxxxx if she would
5 leave a voice mail or attempt to call the
6 Defendant.

7 Q. Did she do that?

8 A. She did.

9 Q. Did she actually speak with the
10 Defendant or just leave a message?

11 A. She just left a voice mail.

12 Q. And was there ever any response to
13 the voice mail or the text?

14 A. No, ma'am.

15 Q. And at this point it's January 12,
16 2016; correct?

17 A. That is correct.

18 Q. Kxxxxxx was taken out of school
19 December 1st of 2015?

20 A. That is correct.

21 Q. And was it your understanding that
22 the Defendant was aware of the allegations
23 that she had made against him?

24 A. Yes, ma'am.

25 Q. All right. After meeting with

1 Kxxxxxxx in Minneapolis, what did you do?

2 A. Then we returned back to Iowa in
3 preparations for continuing our
4 investigation into Midwest Academy and
5 also coordinating search warrants.

6 Q. Did you conduct a search?

7 A. Yes, ma'am.

8 Q. When was that?

9 A. The first search that we did was
10 January 28, 2016.

11 Q. What were you searching for?

12 A. We were searching for evidence of
13 the sexual abuse as well as any type of
14 media or electronic records.

15 Q. Where did you search?

16 A. We searched the Defendant's
17 residence as well as Midwest Academy, the
18 entire facility.

19 Q. What time did the search start?

20 A. It started at approximately 12
21 o'clock in the afternoon.

22 Q. We've had a few descriptions about
23 what the search was like in limited areas.
24 But you were the case agent on this;
25 correct?

1 A. Yes, ma'am.

2 Q. So can you give us just a broad
3 overview of what was going on when you
4 arrived and what was happening after you
5 were there?

6 A. Yes, ma'am. The initial things
7 that we wanted to do is we wanted to
8 remove personnel, staff, and students from
9 any areas that we felt were probative to
10 our investigation, or an area where we
11 were going to conduct our specific
12 searches. That would include the
13 Defendant's residence, his offices, as
14 well as the seminar building.

15 So what we did is we sent in a team
16 of law enforcement officers to work with
17 staff to be able to remove the students
18 from those areas to allow us free access
19 to the facility.

20 Q. Now, had you been in the Midwest
21 Academy building before?

22 A. Yes, ma'am.

23 Q. And why had you been in there
24 before?

25 A. I had previously been in there when

1 the facility was first opened. I worked
2 at the State Fire Marshal's Office as an
3 inspector.

4 Q. You had said that you wanted to
5 look at the seminar room; is that right?

6 A. Yes, ma'am.

7 Q. And you said the Defendant's
8 offices. How was it you were able to
9 determine where the Defendant's offices
10 were?

11 A. We were able to find personal
12 stationery that had his information on it,
13 as well as descriptions by staff that
14 stated where those locations were.

15 Q. And we're saying plural, so was
16 there more than one office that the
17 Defendant had?

18 A. Yes, ma'am. There were multiple
19 offices, at least two.

20 Q. How many law enforcement officers
21 are out there?

22 A. We had approximately 30 law
23 enforcement officers.

24 Q. Is it fair to say this was a very
25 unusual search compared to what you

1 normally do in your job?

2 A. Yes, ma'am.

3 Q. And a lot of that was just based on
4 the sheer size of the building?

5 A. That's correct. The facility is
6 over 100,000 square feet, and to have the
7 law enforcement presence we needed we felt
8 that we needed to bring enough people out
9 there to assist with the students as well
10 as staff in addition to doing the actual
11 searches.

12 Q. And when you were doing this
13 search, where were the kids at, the
14 students? Because there were students
15 there when you arrived; correct?

16 A. Yes, ma'am.

17 Q. And what did you do with them?

18 A. We originally removed them from the
19 educational and the living wings and we
20 placed them in the gymnasium.

21 Q. Did that change over time?

22 A. Yes, ma'am. As the day progressed
23 and we started to get into the later
24 portions of the day, we knew that we had
25 to allow the students to go back into the

1 residential wings of the facility.

2 Q. When you first went to Midwest
3 Academy that day, did you intend on
4 interviewing all of the students?

5 A. No, ma'am.

6 Q. Did that change at some point
7 during the day?

8 A. Yes, it did.

9 Q. Why?

10 A. While we were at the facility, our
11 original intent was to conduct a sexual
12 abuse scene examination as well as
13 interview anybody that would have had
14 contact with Kxxxxxx. And in the process
15 of doing that, there was an incident on
16 the boys' wing where students had actually
17 secured another student and placed him in
18 the OSS room.

19 And knowing the background as to
20 the FBI's involvement and as to why we
21 were there earlier in 2015--excuse me--
22 Why the FBI was there earlier in 2015 was
23 the use of the OSS rooms, and it was
24 brought to our attention that we may need
25 to conduct interviews of other students to

1 find out if they felt safe.

2 Q. And so a decision was made to do
3 that?

4 A. Yes, ma'am.

5 Q. That lengthened your day,
6 obviously?

7 A. Yes, ma'am.

8 Q. When did you leave the academy?
9 You were there at noon on the 28th?

10 A. That's correct. I didn't leave
11 until 5 o'clock a.m. on the 29th.

12 Q. What was one of the first things
13 that you did when you arrived at the
14 academy?

15 A. I met with the Defendant.

16 Q. And was that with Agent Pearson?

17 A. That is correct.

18 Q. So we've already gone through the
19 Defendant's interview with Agent Pearson,
20 so I won't go through that with you. But
21 you spent a large portion of your time in
22 that interview; correct?

23 A. That is correct.

24 Q. Were you in there at all times?

25 A. No, I was not.

1 Q. What were you doing?

2 A. There were multiple times that I
3 was pulled away to assist with looking at
4 things, to continue to direct the actual
5 crime scene search, as well as refocus the
6 agents that had assignments done that I
7 needed to get them on to other assignments
8 as the day progressed.

9 Q. Now, during your interviews with
10 Kxxxxxxx, had she mentioned a particular--
11 or described to you a camcorder or a
12 recording device?

13 A. Yes, ma'am.

14 Q. Was that one of the things you were
15 looking for?

16 A. Yes, ma'am.

17 Q. And was that based on her
18 description?

19 A. Yes.

20 Q. Did you find a camcorder that was
21 similar in description to what she had
22 told you during the search?

23 A. Yes, ma'am.

24 Q. Where did you find that?

25 A. Our crime scene team and our search

1 team found that in Mr. Trane's residence,
2 the bedroom of his residence.

3 Q. Do you know what type of camcorder
4 it was?

5 A. It was a Canon.

6 Q. Describe it to us, please.

7 A. It's approximately the size--a
8 little bit smaller than my hand, and it
9 would be grayish-black, dark in color, and
10 it's very small, very slim.

11 Q. What media was used in that
12 camcorder to make it work?

13 A. That specific brand used an SD card
14 to be able to record onto it.

15 Q. What's an SD card?

16 A. An SD card is a very small--it's
17 approximately the size of a quarter. But
18 it's a very small media that you can find
19 in things like cameras as well as
20 camcorders and just any type of recording
21 devices.

22 Q. It's just like a small, little flat
23 square; is that right?

24 A. Yes, ma'am. It's very small.

25 Q. Did the camcorder have an SD card

1 in it?

2 A. Not that I recall.

3 Q. Did the camcorder have its own
4 internal memory where recordings were
5 saved on the actual camcorder?

6 A. That model did not.

7 Q. So you had to have a card; correct?

8 A. That is correct.

9 Q. Now, during the search you
10 collected some SD cards; is that right?

11 A. Yes, ma'am.

12 Q. From any of those SD cards, did you
13 find a recording of Kxxxxxxx?

14 A. No, ma'am.

15 Q. You were in the home of the
16 Defendant; is that right?

17 A. Yes, ma'am.

18 Q. During Kxxxxxxx's interview with
19 you, did she describe an occasion when she
20 was in the Defendant's home?

21 A. Yes, she did.

22 Q. Did she provide you a description
23 of the Defendant's home?

24 A. Yes, she did.

25 Q. Was her description consistent with

1 what you observed when you entered the
2 Defendant's home?

3 A. Yes, it was.

4 MS. TIMMINS: May I approach, Your
5 Honor.

6 THE COURT: You may.

7 Q. (By Ms. Timmins) So things got
8 extremely out of order last week, and so
9 the jury has heard a lot of information
10 about the academy, but we haven't really
11 looked at anything to give us a better
12 visual of the layout of the academy.

13 So did you pull up some maps that
14 we could provide to the jury to look at to
15 have an idea of the layout of the academy?

16 A. Yes, ma'am.

17 Q. Where did you obtain these from?

18 A. We obtained--two of the maps were
19 from the State Fire Marshal's Office, and
20 the other one was from the Iowa Assessor's
21 website.

22 Q. I'm handing you what has been
23 marked as State's Exhibits 52, 53, and 54.
24 State's Exhibit 52, what is that?

25 A. This is the lower level floor plan

1 of Midwest Academy.

2 Q. State's Exhibit 53, what is that?

3 A. This is the upper level floor plan
4 of Midwest Academy.

5 Q. And State's Exhibit 54?

6 A. This is the overall plan of the
7 entire campus of Midwest Academy.

8 MS. TIMMINS: The State would offer
9 State's Exhibit 52, 53, and 54.

10 (State's Exhibit Nos.
11 52, 53, and 54 were
12 offered in evidence.)

13 THE COURT: Ms. Schaefer, any
14 objection to 52, 53, or 54 for the State?

15 MS. SCHAEFER: No objection.

16 THE COURT: Those exhibits will be
17 admitted.

18 (State's Exhibit Nos.
19 52, 53, and 54 were
20 received in
21 evidence.)

22 MS. TIMMINS: Permission to
23 publish.

24 THE COURT: Go ahead.

25 (The exhibits were published to the

1 jury by video projection.)

2 Q. (By Ms. Timmins) Now, they didn't
3 blow up so well, but this can at least
4 give the jury a general idea of where some
5 things are at. This is the lower level
6 floor plan that I have up on the screen;
7 correct?

8 A. Yes, ma'am.

9 Q. If you could just point to us where
10 we walk in the front door?

11 A. We walk into the front door of this
12 main area right here (indicating with a
13 laser pointer).

14 Q. And for the record, you're pointing
15 to the bottom of the map, and it appears
16 that there are two double doors right in
17 the center of that square; is that
18 correct?

19 A. Yes, ma'am.

20 Q. When you walk in the two double
21 doors, where are you at?

22 A. We would be walking in right here
23 (indicating). To the right would be the
24 administrative offices in this area
25 (indicating).

1 Q. And what's to the left?

2 A. To the left is a large conference
3 area or a large classroom (indicating).

4 Q. It appears that that's a very long
5 hallway; is that correct?

6 A. Yes, ma'am.

7 Q. And so where does that hallway take
8 you?

9 A. This hallway continues to go down
10 into like a T-formation where it would
11 separate into the boys' and the girls'
12 cafeterias (indicating). Staying in the
13 corridor down towards the right, you would
14 walk into an open corridor here that goes
15 into the girls' wing on the right side of
16 the map (indicating).

17 Conversely, walking down the
18 corridor to the left side would take you
19 to the boys' side of the map (indicating).

20 Q. All right. And when you say
21 "walking down the corridor" basically
22 you're going to walk down the hall right
23 before where it says the two cafeterias,
24 and you can either take a left or a right;
25 correct?

1 A. Yes, ma'am.

2 Q. Everything at the school was very
3 separated by male and female; correct?

4 A. Yes, ma'am.

5 Q. Is it safe to say that it's almost
6 a mirror image on each side for the boys'
7 side and the girls' side?

8 A. Very similar.

9 Q. There are two red boxes on this
10 exhibit. What are those?

11 A. The red box on the right side of
12 the map (indicating) would be the girls'
13 OSS room area. The box on the left side
14 of the map (indicating) would be the boys'
15 OSS area, the Out-of-School-Suspension
16 area.

17 Q. So the OSS rooms on both boys' and
18 girls' side is right within their sleeping
19 and living quarters; correct?

20 A. Yes, ma'am.

21 Q. Is there anything else on this map
22 of importance in regards to your
23 investigation or your search?

24 A. We did locate one of Mr. Trane's
25 offices down here in this area

1 (indicating). It's just south--or excuse
2 me--it's just to the bottom of the break
3 room in the center of the map.

4 Q. And that's down where you said
5 there was some administrative-type
6 offices?

7 A. Yes, ma'am.

8 Q. I'm now putting up State's Exhibit
9 53. And this is the upper level floor
10 plan; correct?

11 A. Yes, ma'am.

12 Q. How do you get to the upper level?

13 A. There are multiple staircases
14 throughout the facility. One of the
15 staircases is kind of in this area right
16 here (indicating).

17 Q. And you're pointing to the center,
18 more towards the north to the top of the
19 map?

20 A. That is correct.

21 Q. Are there also side stairways to
22 come up on each floor?

23 A. Yes, ma'am.

24 Q. When you did the search on January
25 28th, what was the upper level used for?

1 A. The upper level on the boys' and
2 the girls' wings were not in use at the
3 time.

4 Q. Was it your understanding that at
5 times they did use those as bedrooms?

6 A. Yes, ma'am. It was my
7 understanding when the census was higher
8 or they had a larger number of students,
9 they would use both floors in the wings.

10 Q. Let's start with what I call the
11 front of the building, so it's the square
12 in the middle. What were those in the
13 upstairs?

14 A. So these were offices for the staff
15 (indicating), right in through here. I
16 think it was referred to as like a
17 horseshoe. It's a majority of the staff
18 members or the administrative staff. The
19 counselors also had office areas there.

20 Q. So there are offices there, and
21 basically there's a hallway between them
22 that goes around in a U almost?

23 A. Yes, ma'am.

24 Q. And again, you could access those
25 by coming up that main stairway, and you'd

1 be right there at the horseshoe; correct?

2 A. Yes, ma'am.

3 Q. There is a small red box more on
4 the left side of the page. What is that?

5 A. This small red box here
6 (indicating) is Mr. Trane's second floor
7 office.

8 Q. And how was that identified as his
9 office?

10 A. That office also had stationery in
11 it that was his, but it was also the area
12 where all of the surveillance videos and
13 the cameras went back to where there was a
14 monitor. And the staff had referred to
15 that as the Defendant's upstairs office.

16 Q. There's another red box on the
17 screen more to the right side of the
18 exhibit. What is that?

19 A. This box over here is what the
20 female students would have referred to as
21 the upstairs uniform room, or the room
22 with a mirror in it (indicating).

23 Q. And how did you identify it as the
24 uniform room?

25 A. When we did our search, we walked

1 in there and there were still uniforms
2 hanging up in that room.

3 Q. Basically it stored all of the
4 uniforms; correct?

5 A. Yes, ma'am.

6 Q. When you did the search, was there
7 a mirror in there?

8 A. I don't recall.

9 Q. Is there anything else on this
10 upper level that would be of importance in
11 regards to your investigation or your
12 search?

13 A. No, ma'am.

14 Q. And now I'm putting up State's
15 Exhibit 54. Tell us what we're looking at
16 here?

17 A. This wing here (indicating) would
18 be referred to as the girls' wing. I'm
19 looking at the long building on the right-
20 hand side. This is our main entrance down
21 here (indicating) on the lower portion of
22 the screen. These would be our corridors
23 (indicating) that go to the female wing,
24 and this corridor on the left would go to
25 the male wing (indicating). And then

1 there was a very large constructed
2 corridor here (indicating) that went all
3 the way out to this building (indicating)
4 which we refer to as the gymnasium.

5 Q. And does that have a marking that
6 says Building 4?

7 A. Yes, ma'am.

8 Q. So Building 4 on this map is the
9 gymnasium?

10 A. That is correct.

11 Q. So where is the seminar room?

12 A. The seminar room would be the
13 building on the top (indicating) in the
14 red box, also referred to as Building 7.

15 Q. So again from the gymnasium, you
16 have to walk through this really long
17 corridor, hallway to get to the seminar
18 room?

19 A. That is correct.

20 Q. Were you in the seminar room?

21 A. Yes, ma'am.

22 Q. Within the seminar room--and we've
23 seen photographs--there's an upstairs;
24 correct?

25 A. Yes, ma'am.

1 Q. How many square feet did you say
2 this whole facility was?

3 A. It's at least around 100,000 square
4 feet.

5 Q. Did you see the OSS rooms?

6 A. Yes, ma'am.

7 Q. Can you describe them for us?

8 A. The OSS rooms on the boys' side
9 were approximately 7 foot by 8 foot. Each
10 room had a slightly different measurement,
11 so that's an approximate. The rooms on
12 the girls' side were approximately 8 foot
13 by 8 foot, once again, an approximate.
14 And so it was very apparent that the boys'
15 OSS rooms were slightly smaller than the
16 girls'.

17 Q. When you did the search of the
18 academy, were all the doors on the OSS
19 rooms?

20 A. I don't recall the specific
21 configuration, but I know that there were
22 at least several of the rooms that had
23 doors on them.

24 Q. And did those doors have--were
25 without handles on the inside?

1 A. That's correct. The doors could
2 not be opened from the inside.

3 Q. Now, you said the girls' OSS rooms
4 were a little bit bigger than the boys';
5 correct?

6 A. Yes, ma'am.

7 Q. When you were at the academy, did
8 you notice the difference, just in general
9 décor, did you notice a difference between
10 the boys' side and the girls' side?

11 A. Yes, ma'am. There was a slight
12 contrast with even the colors. It was
13 kind of white to grays in the boys' wing,
14 and there were very minimal furnishings.

15 And then on the female side, there
16 were quite a few more colors, and they had
17 motivational phrases and artwork on the
18 walls. So there was a pretty stark
19 contrast between the two different sides.

20 Q. What about cameras? Did you
21 observe where cameras were throughout the
22 school?

23 A. Yes, ma'am.

24 Q. At first glance did it appear like
25 there was a lot of cameras in a lot of

1 different places?

2 A. Yes, ma'am.

3 Q. Were there any cameras in the
4 sleeping rooms?

5 A. No.

6 Q. Were there any cameras in the
7 hallways of the sleeping rooms?

8 A. No.

9 Q. Were there any cameras in the
10 seminar room?

11 A. No, ma'am.

12 Q. Were there any cameras in the
13 upstairs seminar room?

14 A. No, ma'am.

15 Q. All right. Following the January
16 28th search, was a decision made for law
17 enforcement to return to the school?

18 A. Yes, ma'am.

19 Q. Why?

20 A. At the time we did our search, we
21 weren't sure what type of surveillance
22 cameras there were. And it was decided
23 that we would leave those surveillance
24 cameras that were in place, in place for
25 the protection of the staff as well as

1 students while there were students there.
2 We felt it would be--it wouldn't be a very
3 good idea to remove those cameras from the
4 facility.

5 And so at that time we just chose
6 that we wouldn't do that. But then we
7 also conducted additional student
8 interviews that highlighted other areas
9 that we now became focused on in an
10 additional investigation, and so we also
11 included additional paperwork that we were
12 looking to seize that may show lengths of
13 time somebody may have been placed in OSS.
14 I think they're called OSS logs. And so
15 we had a general idea of other things that
16 we were looking at in regards to our
17 investigation.

18 Q. So you went back and you were
19 looking to retrieve some of the cameras
20 and equipment and also student records;
21 correct?

22 A. Yes, ma'am.

23 Q. And what day was this second search
24 conducted?

25 A. That was February 1, 2016.

1 Q. Is that the one that Agent Herman
2 went to do with himself--just himself and
3 Stacy Weber?

4 A. Yes, ma'am.

5 Q. All right. Based on what Agent
6 Herman told you, did you decide that you
7 needed more people and a bigger truck?

8 A. Yes, ma'am.

9 Q. So what did you do?

10 A. We began to coordinate at that
11 point the manpower and resources that we
12 would need to go conduct a search of the
13 facility to collect all of the records.

14 As it was described, it was
15 multiple rooms full of boxes of records.
16 But not only did we have to do that, we
17 had to come up with a plan on how we were
18 going to store the records after we seized
19 them, knowing that none of our agencies
20 had the appropriate storage to be able to
21 do that long term.

22 Q. At least none of the State agencies
23 did, did they?

24 A. That's correct.

25 Q. So when did you go back?

1 A. We went back on February 11, 2016.

2 Q. Now, Agent Herman testified about
3 there was a room that previously had
4 boxes, and then when he went back on this
5 time there wasn't any boxes; is that
6 correct?

7 A. That is correct.

8 Q. Was a determination made at some
9 point where that room of missing
10 documents--where they had gone?

11 A. Yes, ma'am.

12 Q. So in general, what did you spend
13 that day doing?

14 A. We spent the entirety of the day
15 while we were there just collecting boxes
16 of records, loose records, as well as
17 recovering the records that were brought
18 back to the facility by the Defendant.

19 Q. What did you do with all of them?

20 A. Through the joint effort of law
21 enforcement agencies, we put them all in a
22 28-foot U-Haul trailer, and we took them
23 to the Omaha field office in Omaha,
24 Nebraska, with the FBI where they were
25 individually shipped off to Quantico for

1 digitization, which means they would take
2 each individual hard document, scan it
3 into a digital file and provide that back
4 to us for our review.

5 Q. Did you really even know at the
6 time what you had?

7 A. No, ma'am, we didn't. And one of
8 the things we were very careful of was
9 seizing specifically the records that were
10 related to student investigations, and we
11 left many boxes of employee records at the
12 facility when we left.

13 Q. All right. Agent Pearson testified
14 that those documents came back just this
15 year, in 2017. They came back from the
16 FBI in a digitized, scanned format;
17 correct?

18 A. Yes, ma'am.

19 Q. So during the time that these
20 documents were being digitized, what are
21 you doing?

22 A. Myself and Agent Pearson, we
23 continued to conduct interviews of former
24 staff members, former students who had all
25 moved, a lot of them had moved out of the

1 local geographic area. We just continued
2 to collect information. But we also were
3 able to go through an initial collection
4 of records that the FBI scanned for us
5 initially based on students that we felt
6 had made statements about the academy.

7 Q. You're still working jointly with
8 the FBI?

9 A. Yes, ma'am.

10 Q. Agent Lestina, at some point a
11 decision was made to arrest the Defendant;
12 is that correct?

13 A. Yes, ma'am.

14 Q. Did you get an arrest warrant?

15 A. Yes, ma'am.

16 Q. And when did you do that?

17 A. August 31, 2017.

18 Q. Were you aware at the time that you
19 obtained the warrant that the Defendant
20 was out of state?

21 A. Yes, ma'am.

22 Q. To your knowledge, where was he?

23 A. It was my understanding that the
24 Defendant had moved approximately a month
25 or so after the facility had closed, he

1 moved out to the Idaho or the Utah area.

2 Q. What steps did you take to have him
3 picked up on the warrant?

4 A. I reached out to the FBI as well as
5 the local law enforcement in the areas we
6 believed him to be living in, and we
7 requested they go serve the arrest
8 warrant.

9 Q. At some point did the Defendant
10 turn himself in?

11 A. Yes, ma'am.

12 Q. When was that?

13 A. September 7, 2017.

14 Q. All right. I'd like to talk to you
15 about some of the things that you found
16 during your investigation.

17 MS. TIMMINS: May I approach, Your
18 Honor.

19 THE COURT: You may.

20 Q. (By Ms. Timmins) I'm handing you
21 what has been marked State's Exhibits 55
22 and 56. Can you tell us what State's
23 Exhibit 55 is?

24 A. Yes, ma'am. This is the Midwest
25 Academy Student Manual dated October of

1 2013.

2 Q. And State's Exhibit 56?

3 A. That is the Midwest Academy Student
4 Manual dated February of 2015.

5 Q. Is there really much difference
6 between those two manuals?

7 A. No, ma'am, there's not.

8 Q. And these student manuals, these
9 seem like just a basic explanation of the
10 rules and regulations and how the system
11 works; is that right?

12 A. That is correct.

13 MS. TIMMINS: At this time I would
14 offer State's Exhibits 55 and 56.

15 (State's Exhibit Nos.
16 55 and 56 were
17 offered in evidence.)

18 THE COURT: Ms. Schaefer, any
19 objection to State's 55 or 56?

20 MS. SCHAEFER: No objection, Your
21 Honor.

22 THE COURT: 55 and 56 for the State
23 will be admitted.

24 (State's Exhibit Nos.
25 55 and 56 were

1 received in
2 evidence.)

3 Q. (By Ms. Timmins) Agent Pearson had
4 testified that you had received the pass
5 code for the Defendant's phone; correct?

6 A. Yes, ma'am.

7 Q. Why did you want that?

8 A. It would allow us the ability to
9 conduct a forensic examination of the
10 Defendant's phone.

11 Q. What does that mean?

12 A. That means we would be able to go
13 in there and mirror image what's on his
14 phone to be able to review those things.

15 Q. Is there a name of doing that type
16 of forensic examination?

17 A. Yes. We refer to it as the
18 Cellebrite examination.

19 Q. So just give us an example. If I
20 handed you my telephone, my cell phone,
21 and you did a Cellebrite on my cell phone,
22 what kind of information are you going to
23 get?

24 A. It can provide lots of different
25 information, everything from contact lists

1 to your call log. If you have a phone
2 that allows you to take photographs or
3 video, it would have those things stored
4 on the phone. But it will also keep a
5 history of your text messages.

6 And each phone is different,
7 depending on the actual manufacturer. So
8 sometimes phones will give you voluminous
9 amounts of information because they
10 collect it continuously, and other times
11 don't give you very much. So Cellebrite
12 reports are varied in what you get back.

13 Q. I'm sorry. They vary what?

14 A. They vary on what you get depending
15 on the phone.

16 Q. So it depends on what type of phone
17 you have in regards to how much
18 information you're going to find; correct?

19 A. Yes, ma'am.

20 Q. Tells us what it looks like when
21 that examination occurs. Are you just
22 sticking something in the phone and it
23 transfers all of the data?

24 A. Yes, ma'am. You just plug the
25 phone in, and you would put in the pass

1 code, and the Cellebrite itself would
2 start to generate an electronic report
3 that we end up getting. But it also
4 collects all of the photographs, all of
5 the text messages, call logs, and
6 contacts, anything associated to what's on
7 the phone.

8 Q. So a Cellebrite examination was
9 done of the Defendant's phone; correct?

10 A. Yes, ma'am.

11 Q. And that was on January 28th of
12 2016?

13 A. I believe his phone was seized on
14 January 28th. I'm not sure when the exact
15 Cellebrite examination was completed, but
16 it was a short time after that.

17 Q. But it was in law enforcement's
18 possession on January 28th?

19 A. Yes, ma'am.

20 Q. So what happens when you perform
21 this Cellebrite examination? What's the
22 readable results of that?

23 A. So what it does is it leaves the
24 original device or the phone in its
25 original configuration, but it gives us

1 the ability to have a report that is
2 searchable and fairly user friendly in
3 regards to being able to open it up and
4 review it.

5 Q. Did you analyze the Cellebrite
6 report in this particular case?

7 A. Yes, ma'am.

8 Q. How much information are we talking
9 about? Is it just a couple pages or is it
10 more?

11 A. This Cellebrite had over 5,000
12 pages.

13 Q. Do Cellebrities tell you call
14 history?

15 A. Yes, ma'am.

16 Q. And did it give you call history in
17 this particular case?

18 A. Yes, ma'am.

19 MS. TIMMINS: May I approach, Your
20 Honor.

21 THE COURT: You may.

22 Q. (By Ms. Timmins) I'm handing you
23 what has been marked as State's Exhibit
24 93. Do you recognize State's Exhibit 93?

25 A. Yes, ma'am.

1 Q. Was there a particular date that
2 you wanted to look at the calls on the
3 Defendant's phone?

4 A. Yes, ma'am.

5 Q. What date was that?

6 A. That was October 13, 2015.

7 Q. Why did you want to look at that
8 date on the Defendant's phone?

9 A. Kxxxxxxx stated that was the date
10 that she had gone to Quincy with the
11 Defendant. And that's the date that she
12 was allowed to contact her sister using
13 the Defendant's phone.

14 Q. So through the Cellebrite report,
15 were you able to determine if that
16 particular phone call was made on that
17 date?

18 A. Yes, ma'am.

19 Q. What did you find?

20 A. I found that on October 13, 2015,
21 at approximately 12:18 p.m., there was a
22 one hour and forty-two minute and forty-
23 three second phone call made from the
24 Defendant's phone to [REDACTED] at
25 telephone number xxx-xxx-4187.

1 Q. Now, that Cellebrite report doesn't
2 say the Defendant called [REDACTED]
3 [REDACTED]; correct?

4 A. No, it does not.

5 Q. So how do you know that that number
6 called belongs to Kxxxxxx's sister,
7 [REDACTED] [REDACTED]?

8 A. I had personally reached out to
9 K [REDACTED] on this telephone number
10 and had conversations with her using that
11 telephone number.

12 Q. And again, how long was that phone
13 call?

14 A. The phone call was one hour and
15 forty-two minutes and forty-three seconds.

16 MS. TIMMINS: At this time I would
17 ask to enter State's Exhibit 93.

18 (State's Exhibit No.
19 93 was offered in
20 evidence.)

21 THE COURT: Any objection to
22 State's 93, Ms. Schaefer?

23 MS. SCHAEFER: No objection.

24 THE COURT: State's 93 is admitted
25 without objection.

1 (State's Exhibit No.
2 93 was received in
3 evidence.)

4 Q. (By Ms. Timmins) Was there another
5 call on that date?

6 A. Yes, ma'am.

7 Q. What was that phone call?

8 A. Do you mind if I refer to that?

9 Q. Please.

10 A. The other phone call was an
11 outgoing call from the Defendant's phone
12 to [REDACTED] at approximately
13 10:48 a.m. on October 13, 2015, and that
14 was approximately a three-minute and
15 forty-second phone call.

16 Q. So a three-minute phone call in the
17 late morning to [REDACTED], and
18 then a long phone call around the noon
19 hour?

20 A. Yes, ma'am.

21 Q. I'd also like to talk to you about
22 some photographs that were found on the
23 Defendant's phone.

24 MS. TIMMINS: May I approach, Your
25 Honor.

1 THE COURT: You may.

2 Q. (By Ms. Timmins) First, I will hand
3 you State's Exhibit 94. Can you tell us
4 what Exhibit 94 is?

5 A. Exhibit 94 is the photographs--some
6 of the photographs that came off of the
7 Defendant's phone during the Cellebrite
8 report.

9 Q. And Exhibit 94 is paper, and it
10 looks like it's just these small pictures.
11 So tell us what all that means?

12 A. So essentially what the Cellebrite
13 will do is that it will tell us the name
14 of the actual photograph. It will tell us
15 the path, or the location that it is
16 digitally. And then it will give us a
17 created date, a modified date, and we can
18 use those to make a determination as to
19 when that photograph that's in the small
20 thumbnail next to it was actually taken.

21 Q. Is that the created date
22 (indicating)?

23 A. Yes, that is the created date.

24 Q. So from the Cellebrite report, did
25 you pull out certain photographs that you

1 felt were relevant to this case?

2 A. Yes, ma'am.

3 Q. Okay. And are those photographs
4 contained in State's Exhibit 94, as
5 thumbnail photographs?

6 A. Yes, ma'am, they are.

7 Q. And beside those relevant
8 photographs, did you highlight the ones
9 that you had picked out?

10 A. Yes, ma'am.

11 Q. And each one of those has a
12 description of the date it was created or
13 taken on and all the information that goes
14 with that photograph; correct?

15 A. That is correct.

16 MS. TIMMINS: At this time I would
17 enter State's Exhibit 94.

18 (State's Exhibit No.
19 94 was offered in
20 evidence.)

21 THE COURT: Any objection to
22 State's 94 the defense?

23 MS. SCHAEFER: No objection, Your
24 Honor.

25 THE COURT: 94 is admitted without

1 objection.

2 (State's Exhibit No.
3 94 was received in
4 evidence.)

5 Q. (By Ms. Timmins) I'm now going to
6 hand you State's Exhibits 57 through 72.
7 If you want to take a minute and look
8 through those.

9 (The witness complied.)

10 Q. Are those photographs that you had
11 picked out from the Cellebrite report in
12 connection with this case?

13 A. Yes, ma'am.

14 Q. Do those photographs also relate to
15 the photographs that you marked on State's
16 Exhibit 94 in the Cellebrite report?

17 A. Yes, ma'am.

18 MS. TIMMINS: The State would offer
19 State's Exhibits 57 through 72.

20 (State's Exhibit Nos.
21 57 through 72 were
22 offered in evidence.)

23 THE COURT: Ms. Schaefer?

24 MS. SCHAEFER: No objection.

25 THE COURT: 57 through 72 for the

1 State will be admitted, which is a series
2 of photographs.

3 (State's Exhibit Nos.
4 57 through 72 were
5 received in
6 evidence.)

7 MS. TIMMINS: Permission to
8 publish.

9 THE COURT: Go ahead.

10 (The exhibits were published to the
11 jury by video projection.)

12 Q. (By Ms. Timmins) So I'm going to
13 put up State's Exhibit 57. This was a
14 photograph found on the Defendant's phone;
15 correct?

16 A. Yes, ma'am.

17 Q. From your knowledge of being at the
18 school and what the rooms are, what room
19 is this photograph in?

20 A. This is a photograph of the seminar
21 building.

22 Q. And we've heard kids talk about
23 that maybe they watched movies and things
24 sometimes in the seminar building?

25 A. Yes, ma'am.

1 Q. If you would look at State's
2 Exhibit 94 and let us know what date this
3 photograph was taken on?

4 A. This photograph was taken on April
5 3, 2015, at approximately 12:18 a.m.

6 Q. 12:18 a.m.?

7 A. Yes, ma'am.

8 Q. I'm now putting up State's Exhibit
9 58. When was this photograph taken on the
10 Defendant's phone?

11 A. This photograph was taken on April
12 3, 2015, at approximately 12:18 a.m.

13 Q. So the same time as State's Exhibit
14 57?

15 A. Yes, ma'am.

16 Q. And State's Exhibit 59, when was
17 this photo taken?

18 A. This photo was taken April 3, 2015,
19 at 6:36 a.m.

20 Q. So about a six-hour difference in
21 time, then?

22 A. Yes, ma'am.

23 Q. I'm putting up State's Exhibit 60.
24 Do you recognize someone in this
25 photograph?

1 A. Yes, ma'am.

2 Q. Who is that?

3 A. Kxxxxxxx is in the middle.

4 Q. Kxxxxxxx [REDACTED] ?

5 A. Yes, ma'am.

6 Q. She's in the dark blue shirt?

7 A. That's correct.

8 Q. When was this photograph taken from
9 the Defendant's phone?

10 A. This photograph was taken on April
11 17, 2015, at approximately 1:59 p.m.

12 Q. And through your interviews with
13 Kxxxxxxx, it was your understanding that
14 the Defendant would take her out on
15 service projects and shopping and things
16 like that, even early on when she was
17 there?

18 A. Yes, ma'am.

19 Q. Exhibit 61. If you could use your
20 pointer to point out--and it's a bit hard
21 to tell since the screen is so far away--
22 but when you looked at these photographs,
23 were you able to identify Kxxxxxxx [REDACTED]
24 in this photograph?

25 A. Yes, ma'am.

1 Q. Where is she at?

2 A. Kxxxxxxx [REDACTED] is the far right
3 individual.

4 Q. In the gray T-shirt with her hand
5 up to her eyes?

6 A. Yes, ma'am.

7 Q. When was this photo taken on the
8 Defendant's phone?

9 A. This photograph was taken on August
10 12, 2015, at approximately 9:15 a.m.

11 Q. At this point Kxxxxxxx had moved up
12 in her levels fairly well; correct?

13 A. That's correct.

14 Q. Exhibit 62. When was this
15 photograph taken?

16 A. August 12, 2015, at approximately
17 9:15 a.m.

18 Q. So again, the same timeframe.
19 There just was a faraway picture and now
20 we have a close-up picture that was taken
21 of Kxxxxxxx?


22 A. Yes, ma'am.

23 Q. Exhibit 63. Were you able to
24 identify Kxxxxxxx [REDACTED] in this
25 photograph that was on the Defendant's

1 phone?

2 A. Yes, ma'am.

3 Q. Use your pointer and show the jury
4 where that's at?

5 A. Kxxxxxxx  is sitting here
6 (indicating) with her right hand over her
7 eyes, her left hand on the book.

8 Q. When was this photograph taken?

9 A. This photograph was taken on
10 October 7, 2015, at approximately 7:41
11 p.m.

12 Q. Exhibit 64. Does this appear to be
13 another series of photographs that was
14 connected with 63?

15 A. Yes, ma'am.

16 Q. And again, point out where Kxxxxxxx
17 is at.

18 A. Kxxxxxxx is sitting on the right-
19 hand of the screen (indicating) with her
20 hand completely covering her face.

21 Q. What time was this photograph
22 taken?

23 A. This photograph was taken
24 approximately 7:41 p.m.

25 Q. On which day?

1 A. October 7, 2015.

2 Q. Exhibit 65. Were you able to
3 identify Kxxxxxx [REDACTED] in that
4 photograph?

5 A. Yes, ma'am.

6 Q. When was this photograph taken?

7 A. This photograph was taken November
8 14, 2015, at approximately 7:02 p.m.

9 Q. And again, through your interviews
10 with Kxxxxxx, is it your understanding
11 that by November she was upper level and
12 able to go out on outings off campus and
13 things like that?

14 A. Yes, ma'am.

15 Q. Okay. And please point out where
16 you see Kxxxxxx in this photograph?

17 A. Kxxxxxx is on the left-hand corner
18 of the screen (indicating). Her face is
19 partially obstructed, and she's wearing a
20 multi-colored shirt.

21 Q. Exhibit 66. Is this in the same
22 series as 65?

23 A. Yes, ma'am.

24 Q. Please point out where we see
25 Kxxxxxx at in this photograph.

1 A. Kxxxxxxx is on the left-hand side
2 with her hands on her hips (indicating),
3 and she's facing away from the camera.

4 Q. She has a distinctive tie-dye
5 looking shirt on; is that right?

6 A. Yes, ma'am.

7 Q. When was Exhibit 66 taken?

8 A. That was November 14, 2015, at
9 approximately 6:09 p.m.

10 Q. And Exhibit 67. Where do we see
11 Kxxxxxxx in this photo?

12 A. Kxxxxxxx is sitting in the lower
13 right-hand corner (indicating), once again
14 looking away from the camera with her left
15 hand over her face or on her forehead.

16 Q. When was this photograph taken on
17 the Defendant's phone?

18 A. This one was taken November 14,
19 2015, at 7:02 p.m.

20 Q. State's Exhibit 68. Where is
21 Kxxxxxxx in this photograph?

22 A. Kxxxxxxx is in the middle of the
23 screen (indicating) with her left hand
24 over her face and her right hand up
25 towards her face wearing the same tie-dyed

1 shirt.

2 Q. When was this photograph taken from
3 the Defendant's phone?

4 A. This was taken November 14, 2015,
5 at 7:02 p.m.

6 Q. I'm now putting up Exhibit 69.
7 What are we looking at?

8 A. This is a photograph of clothing
9 items taken from a Victoria's Secret
10 store.

11 Q. Now, how is it-- This is a picture
12 you found in the Defendant's phone;
13 correct?

14 A. Yes, ma'am.

15 Q. How is it that you can sit here and
16 say that these are--this is a photograph
17 taken from a Victoria's Secret store?

18 A. Through my own understanding, or my
19 own experience, I know that Pink clothing
20 is an athletic wear that is offered by
21 Victoria's Secret.

22 Q. And in fact, I didn't put all the
23 photographs in that we have of the
24 Victoria's Secret but did you, in fact,
25 have someone check up with those

1 photographs to verify that this was a
2 particular store?

3 A. Yes, ma'am.

4 Q. The hangers at Victoria's Secret,
5 do they have distinctive markings on them
6 like we see in this photograph?

7 A. Yes, ma'am.

8 Q. Why did you pull this photograph
9 out as relevant to this investigation?

10 A. During the investigative process,
11 we were--had information that the
12 Defendant was in the Coral Ridge Mall at
13 the Victoria's Secret with female
14 students.

15 Q. On what particular day?

16 A. December 22, 2015.

17 Q. When was the picture that we have
18 as Exhibit 69, when was that photograph
19 taken?

20 A. It was taken on 12-22 of 2015, at
21 approximately 2:43 p.m.

22 Q. December 22nd?

23 A. Yes, ma'am.

24 Q. And in fact, when the jurors look
25 at--and I don't have them on the screen--

1 but 69, 70, 71, and 72, are those all
2 photographs that you identified as being
3 from Victoria's Secret, or what appears to
4 be from Victoria's Secret?

5 A. Yes, ma'am.

6 Q. When I was asking you questions
7 about these photographs, I saw that you
8 were flipping back and forth on the pages.
9 Doesn't the Cellebrite report just put
10 everything in order by date?

11 A. No, ma'am, it does not. It
12 typically just generates a report. And
13 it's not very often that things are in
14 chronological order. So there are many
15 pictures that have to be pieced together
16 through the report, parsed together from
17 the report.

18 MS. TIMMINS: Thank you. I don't
19 have any further questions.

20 THE COURT: Ms. Schaefer.

21 (Continued on the next page.)
22
23
24
25

1 CROSS-EXAMINATION

2 BY MS. SCHAEFER:

3 Q. Good afternoon, agent.

4 A. Good afternoon.

5 Q. You testified that during the
6 course of your litany of interviews with
7 Kxxxxxxx [REDACTED] that you met with her up
8 in Minneapolis?

9 A. Yes, ma'am.

10 Q. Is that where she was living at the
11 time?

12 A. That's correct.

13 Q. My understanding is she was living
14 with her sister for a brief period of
15 time?

16 A. That's correct.

17 Q. And you had testified that you
18 asked her during the course of a couple of
19 these meetings to make phone calls or
20 leave text messages for the Defendant?

21 A. That's correct.

22 Q. You did that both on January 12th
23 and January 13th, didn't you?

24 A. Yes, ma'am.

25 Q. And Ms. [REDACTED] left multiple text

1 messages?

2 A. That's correct.

3 Q. And she left multiple voice mails;
4 correct?

5 A. Just one voice mail.

6 Q. And none of those were ever
7 responded to by the Defendant; correct?

8 A. That is correct.

9 Q. Now, during the course of your
10 search warrant, you actually seized--or
11 you or your team, I should say--actually
12 seized a good number of items, didn't
13 they?

14 A. Yes, ma'am.

15 Q. Items for processing?

16 A. Yes, ma'am.

17 Q. What does that mean?

18 A. It depends on the types of items
19 that we collect, but we would oftentimes
20 send them for--if it's electronic media we
21 could send them to the computer people or
22 our ICAC, which would be our Internet
23 Crimes Against Children Task Force folks
24 that have the training to make those
25 things so that we can view them for the

1 purposes of the investigation.

2 Q. And you seized multiple digital
3 storage devices; correct?

4 A. Yes, ma'am.

5 Q. And that included computers and, I
6 think, hard drives, hard external storage
7 devices?

8 A. Yes, ma'am.

9 Q. As well as a number of SD cards?


10 A. That is correct.

11 Q. And those are the SD cards that you
12 were testifying with Ms. Timmins can go
13 into cameras?

14 A. Yes, ma'am.

15 Q. And those would have been sent to
16 ICAC?

17 A. Yes, ma'am.

18 Q. Was there anything found on any of
19 those items related to Kxxxxxx 

20 A. No, ma'am.

21 Q. You also, or your team, either
22 seized items or pieces of items for, I'm
23 assuming, DNA analysis?

24 A. Yes, ma'am.

25 Q. And did that include some bras from

1 Victoria's Secret that were seized from
2 the Defendant's residence?

3 A. Yes.

4 Q. And did it also include a couple of
5 pillows--a couple, three pillows from the
6 sofas in the seminar room?

7 A. Yes, ma'am.

8 Q. And my understanding from Agent
9 Herman is that there was some mattresses
10 or something found in a closet nearby, but
11 they weren't seized?

12 A. That's correct.

13 Q. But some cuttings were taken of
14 those; correct?

15 A. That is correct.

16 Q. And also some cuttings from some
17 carpet in his upstairs office?

18 A. That's correct.

19 Q. And a cutting from a rug?

20 A. Yes, ma'am.

21 Q. So I'm assuming that's a throw rug
22 over the carpet?

23 A. Yes, ma'am.

24 Q. As well as a towel from his
25 downstairs office? And when I say "his,"

1 I'm referring to Mr. Trane.

2 A. Yes, ma'am.

3 Q. And then a couple of sheets from
4 his downstairs office?

5 A. That's correct.

6 Q. As well as a pillow case?

7 A. That's correct.

8 Q. And those would have all been sent
9 to the criminalistics laboratory in
10 Ankeny?

11 A. Yes, ma'am.

12 Q. Could you briefly describe what
13 that is?

14 A. Yes. That's our forensic lab where
15 we have a team of criminalists that
16 receive evidence, and they go through it
17 and they conduct whatever type of testing
18 that they're doing. There are many
19 different types of testing. For example,
20 DNA, fingerprints, or latent prints. We
21 have many different areas of focus that
22 they have there at the laboratory.

23 Q. And when the criminalistics
24 laboratory is going to be looking
25 specifically for something like DNA or

1 bodily fluids, do you also send in DNA
2 profile samples from people that you know
3 for comparison?

4 A. Yes, ma'am.

5 Q. And in this particular case, would
6 you have sent the known DNA profile from
7 the Defendant?

8 A. Yes, ma'am.

9 Q. As well as his wife, Layani?

10 A. Yes, ma'am.

11 Q. And did you also do that for

12 Kxxxxxxx [REDACTED]?

13 A. Yes, ma'am.

14 Q. And an analysis was done on the two
15 black bras from the bedroom?

16 A. That's correct.

17 Q. And isn't it true that DNA was
18 detected from at least two people?

19 A. I don't recall the specifics, but I
20 believe that's correct.

21 Q. And weren't, in fact, those two
22 people Ben and Layani Trane?

23 A. I don't recall the specifics. If I
24 was able to look at the report, I'd be
25 able to confirm that.

1 MS. SCHAEFER: Your Honor, may I
2 approach.

3 THE COURT: You may.

4 Q. (By Ms. Schaefer) I'm going to show
5 you what is the DCI lab report. Take a
6 moment to look at that to refresh your
7 recollection.

8 (The witness complied.)

9 Q. Have you had the opportunity to
10 adequately refresh your recollection?

11 A. Yes, ma'am.

12 Q. And again, with regard to the two
13 bras that were seized from the Defendant's
14 residence, the profiles that were located
15 on those items matched those of Layani and
16 Ben Trane, didn't they?

17 A. That's correct.

18 Q. And there was a multi-colored
19 pillow from one of the seminar room
20 couches. Did it contain something of
21 significance?

22 A. I don't recall.

23 Q. I should say, there was something
24 indicated on there, but it wasn't able to
25 be ascertained who it belonged to?

1 A. If I could review the report, I'd
2 be able to recall.

3 (The witness looked at the DCI
4 report.)

5 A. Do you recall which item that was?

6 Q. Well, to make it a little bit
7 easier, were any of the items located in
8 the seminar room that were analyzed, did
9 any of those contain anything that was
10 attributable to Ben Trane?

11 A. No, ma'am.

12 Q. Did they contain anything that was
13 attributable to Kxxxxxx ?

14 A. No, ma'am.

15 Q. And in fact, wasn't Ben Trane
16 eliminated as a contributor to at least
17 one or more of those items?

18 A. Yes, ma'am.

19 Q. And did, in fact, the mattress
20 cutting--if my memory serves me correctly,
21 they just literally take a utility knife
22 and cut a small square and save that part
23 for purposes of analysis; correct?

24 A. Yes, ma'am.

25 Q. So when we refer to a cutting,

1 that's what we mean?

2 A. Yes, ma'am.

3 Q. And isn't it true that there was,
4 in fact, the presence of seminal fluid and
5 sperm on the mattress cutting?

6 A. That is correct.

7 Q. And wasn't Mr. Trane eliminated as
8 the source of that DNA profile?

9 A. Yes, ma'am.

10 Q. And also the sheets that were
11 analyzed, there was the no presence of any
12 seminal fluid, was there?

13 A. Not that I recall.

14 Q. And there was some DNA located,
15 unspecified as to what that was?

16 A. That's correct.

17 Q. And DNA can be found in about
18 anything on our bodies, can't it?

19 A. Yes, ma'am.

20 Q. But wasn't Mr. Trane eliminated as
21 a contributor?

22 A. Yes, ma'am.

23 Q. The only place where you found any
24 DNA matching the profile of the Defendant
25 was located in his office; correct?

1 A. That is correct.

2 Q. Now, you testified that when you
3 went into the interview room, you could
4 pretty quickly tell what it was because
5 there were uniforms hanging--or I meant
6 the uniform room--excuse me--that there
7 were uniforms hanging up in there?

8 A. Yes, ma'am.

9 Q. And you testified that you don't
10 remember whether or not there was a mirror
11 in there?

12 A. I don't recall a mirror being there
13 at the time.

14 Q. Given the information you had
15 obtained during the course of your
16 investigation, it just didn't occur to you
17 to look?

18 A. No. It occurred to me to look, but
19 there were many other things going on at
20 the time in the investigation.

21 Q. With regard to the Cellebrite
22 report, you indicated it was 5,000 pages-
23 plus of information?

24 A. Yes, ma'am.

25 Q. And that would include call logs?

1 A. Yes, ma'am.

2 Q. Photo logs?


3 A. Yes.

4 Q. Is it fair to say that the call
5 history contained thousands of phone
6 calls?

7 A. I believe it was thousands of phone
8 calls.

9 Q. And would it be fair to say that
10 the photo log contained hundreds of
11 photographs?

12 A. Yes, ma'am.

13 Q. And of those you located only nine
14 that contained Kxxxxxx 

15 A. That's correct.

16 Q. Did most of those photographs have
17 just lots of other students?

18 A. Some of them had other students.

19 Q. Some of them of his family?

20 A. Yes, ma'am.

21 Q. And a myriad of other things?

22 A. Yes, ma'am.

23 Q. Is it safe to assume you would
24 probably find that on most people's
25 phones; correct?

1 A. That's correct.

2 Q. Going back briefly to the lab
3 results, any DNA that would have been
4 found on anything, Ms. [REDACTED] was
5 eliminated as a source for all of those,
6 wasn't she?

7 A. From what I recall, that's correct.

8 Q. And with regard to the photo log
9 and the photos contained on Mr. Trane's
10 phone, you just know they're on the phone;
11 correct?

12 A. That is correct.

13 Q. You have no way of knowing who
14 actually took the photographs?

15 A. That's correct.

16 Q. And it was through your own
17 experience that you recognized the Pink
18 sweatshirts?

19 A. That is correct.

20 Q. So you're familiar enough with
21 Victoria's Secret to know that Pink is
22 kind of a side store?

23 A. That's correct.

24 Q. And isn't it, in fact, geared
25 toward teenagers?

1 A. From what I understand, that's
2 correct.

3 Q. The phone call log, the two phone
4 calls on XXXXXXXX xxth, isn't that KXXXXXX
5 [REDACTED] s birthday?

6 A. Yes, ma'am.

7 Q. And you were unable to obtain any
8 information regarding--from Victoria's
9 Secret regarding a shopping trip involving
10 KXXXXXX and the Defendant?

11 A. That is correct.

12 Q. On the dates that you were having
13 KXXXXXX conduct these pretext phone calls
14 and texts to the Defendant, did the
15 Defendant, in fact, contact Ms. Webster
16 and ask her to have it stopped?

17 A. I don't recall specifically who he
18 had contacted, but it was definitely a
19 representative from DHS. And I don't
20 think it was to have it stopped, it was to
21 notify them of the calls.

22 Q. But again, he never responded
23 directly to KXXXXXX?

24 A. That's correct.

25 MS. SCHAEFER: I don't have any

1 other questions.

2 THE COURT: Ms. Timmins?

3 REDIRECT EXAMINATION

4 BY MS. TIMMINS:

5 Q. Agent, were you surprised by the
6 results of the lab report?

7 A. No, ma'am.

8 Q. Why?

9 A. Through my training and experience,
10 we often have investigations where we
11 don't retrieve any specific DNA or
12 fingerprints or anything along that line.

13 Q. In fact, it's like normal that we
14 don't find DNA or things like that,
15 especially in sexual assault cases;
16 correct?

17 A. That's correct. It's more common
18 that we don't find things than it actually
19 is common that we do.

20 Q. Is it fair to say that we try most
21 of the time but expect these types of
22 results?

23 A. Yes, ma'am.

24 Q. Where did they find the Defendant's
25 seminal fluid?

1 A. They found it on his carpet in his
2 office directly in front of the
3 surveillance video monitors.

4 MS. TIMMINS: I don't have any
5 other questions.

6 THE COURT: Ms. Schaefer?

7 MS. SCHAEFER: I have nothing
8 further.

9 THE COURT: Sir, you may step down.
10 The State may call its next
11 witness.

12 MS. TIMMINS: Your Honor, this
13 could be a lengthy witness. I don't know
14 if you want me to just get started, or if
15 you want to take a break?

16 THE COURT: Any opinion from the
17 jurors? Well, why don't we start since we
18 just got in here. Why don't we go a half
19 hour and then we'll take a break.

20 MS. TIMMINS: The State calls Jenny
21 Richardson.

22 (Continued on the next page.)
23
24
25