

1 (A side-bar conference was held off  
2 the record.)

3 THE COURT: Ms. Timmins, you may  
4 call your next witness.

5 MS. TIMMINS: The State calls Agent  
6 Rick Rahn.

7 RICHARD RAHN,  
8 called as a witness by the State, being  
9 first duly sworn by the Court, was  
10 examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MS. TIMMINS:

13 Q. Would you please state your name.

14 A. Sure. Richard Rahn, R-a-h-n.

15 Q. Where do you work?

16 A. I work for the Iowa Division of  
17 Criminal Investigation.

18 Q. How long have you worked there?

19 A. Oh, about thirty years. I was  
20 hired back '94--I'm sorry--twenty-two or  
21 twenty-three years. I've been in law  
22 enforcement for about thirty years. I'm  
23 sorry. But I was hired in 1994 with the  
24 Iowa Division of Criminal Investigation as  
25 a special agent.

1 Q. What is your educational  
2 background?

3 A. I graduated from Western Illinois  
4 University with a degree in Law  
5 Enforcement Administration. And then when  
6 I got hired by the Burlington Police  
7 Department, I was employed by them for  
8 seven years. To work for a department  
9 here within the State of Iowa, you need to  
10 go through the Iowa Law Enforcement  
11 Academy, which I did. I think at that  
12 time it was, like, twelve weeks.

13 And then during that time with the  
14 Burlington Police Department, I had a  
15 number of different in-services,  
16 continuing ed., that sort of thing as part  
17 of employment with the City.

18 And then when I got hired by the  
19 State, again back in 1994, I went to the  
20 Department of Public Safety Academy, and  
21 at that time I think it was, like, twenty  
22 weeks. And then, again, I've continued on  
23 with continuing ed. and other seminars and  
24 educational issues related to law  
25 enforcement.

1 Q. What was your job at the Burlington  
2 Police Department?

3 A. I was a patrolman for a number of  
4 years. I also was a detective.

5 Q. What is your current job with the  
6 DCI?

7 A. Currently I am what they refer to  
8 as a special agent in charge. And  
9 essentially I oversee a group of agents  
10 within an area that we refer to as Zone 4  
11 with the Major Crime Unit. And so I know,  
12 for example, two of the agents, at least  
13 two of the agents, have testified within  
14 this trial that were within the Major  
15 Crime Unit. And I oversee my zone. We  
16 have four zones within the state. It's  
17 broken up into four zones. And I oversee  
18 roughly 20 counties. And then I have  
19 three different offices that have agents  
20 that are within my zone.

21 And so my responsibilities as a  
22 special agent in charge is to receive  
23 phone calls from local departments  
24 requesting assistance, and then I would  
25 assign agents to go and assist those

1 departments from various crimes ranging  
2 from homicide to sexual assault to the  
3 whole gamut. I mean, we do all types of  
4 different crimes, but mostly death  
5 investigations is what we pretty much  
6 work.

7 Q. How many agents do you manage in  
8 your zone?

9 A. Well, sadly we only have eight  
10 currently within my zone. Again, that's  
11 over a 20-county area. We are down in  
12 numbers right now, but right now I have  
13 eight agents that I supervise.

14 Q. All right. I'd like to talk to you  
15 about Midwest Academy. Did you assign a  
16 particular agent to investigate Midwest  
17 Academy?

18 A. I did. I got a call from Special  
19 Agent Joe Lestina, who again I supervise.  
20 And it's not uncommon for the local  
21 departments or the county attorney's  
22 office to call the local agent, and in  
23 this case it would have been Joe Lestina,  
24 and then Joe would have called me and  
25 said, I received this complaint; I

1 received this call from a county attorney.  
2 Do you want me to work it? And so we  
3 discussed it, and then I gave him that  
4 assignment.

5 Q. Did you yourself have any  
6 involvement in this case?

7 A. I did. But I would say for the  
8 most part it was--for the most part a  
9 supervisory role in that I tried to stay  
10 roughly, as you could say, 100,000 feet or  
11 10,000 feet above just to try to supervise  
12 and try to do whatever was necessary to  
13 assist the agents that work the  
14 investigation.

15 But there were times that I  
16 actually had to assist, either with  
17 searches or with an interview or two. But  
18 mostly it was a supervisory role.

19 Q. I'd like to talk to you about  
20 February 11, 2016. Were you involved in a  
21 search at Midwest Academy on that day?

22 A. I was. Again, I was there for a  
23 supervisory role. But what often happens  
24 is things come up that require my  
25 attention, and I'm willing to help the

1 agents out. And in this particular case,  
2 it turned out that they needed some  
3 assistance in searching the facility, and  
4 so I did just that.

5 Q. And we've heard testimony there was  
6 a previous search on January 28, 2016;  
7 correct?

8 A. Yes.

9 Q. So we're up to February 11, 2016.  
10 This would actually be the third time that  
11 people have been out to the academy; is  
12 that right?

13 A. Well, I can't speak to that. I  
14 know two for sure because I participated,  
15 or I at least assisted, on the first  
16 search warrant on the 28th of January as  
17 well as February 11th.

18 Q. Okay. You assisted with the  
19 search. Did you get assigned to search  
20 the Defendant's office?

21 A. I was asked to search various  
22 rooms, one of which ended being the  
23 Defendant's office. I was told that he  
24 had basically two offices. One was on the  
25 main level kind of near the administrative

1 section of the building, and then also one  
2 on the second floor. And I assisted in  
3 searching the office on the second floor  
4 is what I did.

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

7 THE COURT: You may.

8 Q. (By Ms. Timmins) I'm handing you  
9 what has been marked as State's Exhibits  
10 48, 49, and 50. Are 48, 49, and 50  
11 photographs of what we just discussed the  
12 day you searched the Defendant's office?

13 A. Yes.

14 MS. TIMMINS: At this time the  
15 State would offer State's Exhibits 48, 49,  
16 and 50.

17 (State's Exhibit Nos.  
18 48, 49, and 50 were  
19 offered in evidence.)

20 THE COURT: Any objection to  
21 Exhibits 48, 49, or 50 for the State, Ms.  
22 Schaefer?

23 MS. SCHAEFER: No objection.

24 THE COURT: 48, 49, and 50 for the  
25 State are admitted.

1 (State's Exhibit Nos.  
2 48, 49, and 50 were  
3 received in  
4 evidence.)

5 MS. TIMMINS: Permission to  
6 publish.

7 THE COURT: Go ahead.

8 (The exhibits were published by  
9 video projection.)

10 Q. (By Ms. Timmins) We've heard  
11 testimony that there's an office, a second  
12 office, on the second floor; is that  
13 right?

14 A. Yes, ma'am.

15 Q. What are we looking at in State's  
16 Exhibit 49, I believe?

17 A. It's 48.

18 Q. 48.

19 A. Well, this would be the hallway of  
20 one of the buildings, or one of the wings.  
21 And the door, or the open door that you  
22 see there is actually the door into what  
23 was described to me as being the  
24 Defendant's office on the second floor.

25 Q. And I'm putting up State's Exhibit



1 49. What do we see in this photograph?

2 A. Now essentially you are standing in  
3 the doorway looking through the doorway  
4 into the office.

5 Q. All right. And this photograph was  
6 taken before the search was conducted;  
7 correct?

8 A. Yes. And just for clarification,  
9 this is marked as Exhibit 50.

10 Q. Okay. And then I'm going to put up  
11 State's Exhibit-- What number is on this  
12 photograph?

13 A. This one would be Exhibit 49.

14 Q. Okay. So now we're looking at  
15 Exhibit 49?

16 A. Yes, ma'am.

17 Q. And again, is that just a close-up  
18 of the office?

19 A. Yes. Again, you would have stepped  
20 into it, and it's just another photograph  
21 showing what was within the office when it  
22 was being searched.

23 Q. Now, I know sometimes people get  
24 the impression that when police go in to  
25 do a search, you just throw things

1 wherever you want and make a complete  
2 mess. Do you do that when you conduct a  
3 search?

4 A. No. We try to be as organized as  
5 we possibly can. We don't try to destroy  
6 anything or mess things up, per se. Now,  
7 certainly we move things around, and we  
8 have to lift things up and we try to be as  
9 orderly as we can. But what you're seeing  
10 here is what we walked into. It's not as  
11 if we, law enforcement, threw things  
12 around within the office.

13 MS. TIMMINS: May I approach, Your  
14 Honor.

15 THE COURT: You may.

16 Q. (By Ms. Timmins) When you were  
17 searching that office-- Well, I'm handing  
18 you State's Exhibit 51. Did you find  
19 State's Exhibit 51 when you were searching  
20 the Defendant's office?

21 A. Well, the best I can testify to  
22 this is it's a survey or questionnaire  
23 that was found within the office. And to  
24 be perfectly honest with you, I don't know  
25 if I was the one that found it or others

1 searching within the office found it, but  
2 it was certainly found within the office  
3 that I was in assisting, and I certainly  
4 read the questionnaires while within the  
5 office. That's the best way I can  
6 describe it.

7 Q. Sure. They were found in that  
8 office that day, and you were present when  
9 they were found?

10 A. Yes.

11 MS. TIMMINS: At this time I'd ask  
12 to enter State's Exhibit--

13 Q. (By Ms. Timmins) Is that 51?

14 A. Yes, ma'am.

15 MS. TIMMINS: State's Exhibit 51.  
16 (State's Exhibit No.  
17 51 was offered in  
18 evidence.)

19 THE COURT: Ms. Schaefer, any  
20 objection to 51 for the State?

21 MS. SCHAEFER: No objection.

22 THE COURT: 51 is admitted.  
23 (State's Exhibit No.  
24 51 was received in  
25 evidence.)

1 Q. (By Ms. Timmins) What does that say  
2 at the top of State's Exhibit 51?

3 A. It states at the top that it's a  
4 Sexual Activity Survey 2015, and then it  
5 has either an individual can circle  
6 whether they are a male or a female.

7 Q. And there's a packet of those; is  
8 that right?

9 A. Yes.

10 Q. And that packet or that bunch of  
11 those were found within the office?

12 A. Yes. After reading through some of  
13 them--I didn't read through all of them--  
14 but after taking a look at it, seeing what  
15 was being asked, I found it a little bit  
16 concerning or problematic. And then I  
17 contacted the case agent, Joe Lestina, and  
18 informed him of the survey and then  
19 provided him the survey.

20 MS. TIMMINS: Your Honor, I don't  
21 have any further questions. I do want to  
22 publish the exhibit to the jury, but I can  
23 wait until after cross-examination if that  
24 would be better.

25 THE COURT: Ms. Schaefer.

## 1 CROSS-EXAMINATION

2 BY MS. SCAHEFER:

3 Q. Agent Rahn, where in the office  
4 were these surveys located?5 A. I wish I could say I knew. I just  
6 don't know, again, if I was the one that  
7 found them. Because as you can see, the  
8 office is not the most orderly. And I  
9 don't recall if they were found in a  
10 filing cabinet on the floor, in a box. I  
11 just really, truly--I don't remember.12 Q. And I'll agree with your  
13 observation that it's probably not the  
14 most organized of offices.15 Were there other similar sorts of  
16 surveys that you observed, not of a sexual  
17 nature, in that office?18 A. Not that I recall, or at least ones  
19 that didn't raise concern like this one  
20 did.21 Q. So you don't know what all was in  
22 there, other than something that was  
23 geared toward what you were looking for?24 A. There were certainly other  
25 documents, but I don't know what every

1 document was.

2 Q. Because it sure looks like there's  
3 a whole lot of paper going on in that  
4 office?

5 A. Yes.

6 Q. So it is possible that there may  
7 have been a litany of surveys on various  
8 topics?

9 A. It's certainly possible.

10 Q. And you didn't find, or didn't make  
11 note of those since they really didn't  
12 pertain to your sexual abuse  
13 investigation; correct?

14 A. Correct.

15 Q. Was that the only thing you found  
16 in his office of any interest?

17 A. That I can recall. Now, there may  
18 have been some jump drives, some computer  
19 equipment, that sort of thing that was  
20 also seized at the time, but I didn't look  
21 into what was contained on those items, so  
22 I couldn't speak to what was there.

23 MS. SCHAEFER: I don't have any  
24 other questions.

25 THE COURT: Ms. Timmins?

1 REDIRECT EXAMINATION

2 BY MS. TIMMINS:

3 Q. That office had some monitors and  
4 different screens and such in there; is  
5 that right?

6 A. Yes.

7 Q. And you really can't see that much  
8 in this photograph. Where are those at in  
9 this picture?

10 A. If I recall correctly, it's back  
11 towards the desk area where the desk chair  
12 is, if I recall correctly.

13 MS. TIMMINS: That's all I have.  
14 Thank you.

15 THE COURT: Ms. Schaefer?

16 MS. SCHAEFER: Nothing further.

17 THE COURT: Sir, you may step down.

18 MS. TIMMINS: May I publish State's  
19 Exhibit 51.

20 THE COURT: Go ahead.

21 (State's Exhibit No. 51 was  
22 published to the jury.)

23 THE COURT: Has everyone had a  
24 chance to look at that?

25 (All jurors nodded in the