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RYAN HERMAN,

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. Please state your name.

A. My name is Ryan Herman, H-e-r-m-a-n.

Q. Feel free to yell at me so everybody can hear. Where do you work at?

A. I work for the Iowa Division of Criminal Investigation in the Major Crime Unit.

Q. How long have you done that?

A. I've worked for the DCI for approximately seven years. I've worked in the Major Crime Unit for a little over three years.

Q. What is your educational background?

A. I have a bachelor's degree from the University of Minnesota Mankato, and I'm also ILEA certified through the Department of Public Safety Training Academy.

1 Q. What does that mean, ILEA
2 certified?

3 A. The Iowa Law Enforcement Academy.
4 The Department of Public Safety, the DCI,
5 the Iowa State Patrol, they have their
6 separate academy that they attend. As far
7 as the rest of law enforcement, they'll go
8 through the ILEA school that takes place
9 in Camp Dodge. So we have a separate
10 school, but we're still all qualified to
11 be police officers.

12 Q. And where is the academy at?

13 A. In Des Moines.

14 Q. Through your job do you have to
15 have continuing education?

16 A. Yes.

17 Q. Do you keep up on that?

18 A. Correct.

19 Q. What types of things do you go to
20 schools for, trainings?

21 A. Some of the training I've been
22 through is I've been through homicide
23 school. I've been through case management
24 school, interview and interrogation
25 school. We also have to do our yearly

1 training on firearms, defensive tactics,
2 and just some general educational things
3 that take place every year.

4 Q. Let's go back to when you said
5 you've been in major crimes for three
6 years. So where did you start out at in
7 the DCI?

8 A. I worked for the Gaming Bureau.
9 Each casino facility in the state of Iowa
10 has DCI agents present on the grounds
11 usually twenty-four hours a day, but
12 sometimes that doesn't always happen. So
13 I worked within the Gaming Bureau. We
14 worked along with the Iowa Racing and
15 Gaming Commission to regulate and to make
16 sure everything at the casino is up to
17 par.

18 Q. And that's a normal starting place
19 for DCI; is that right?

20 A. Correct.

21 Q. And you worked there how long?

22 A. Approximately three and a half
23 years.

24 Q. And which casino were you at?

25 A. I was at the Diamond Joe Casino in

1 Northwood, Iowa. It's north central Iowa
2 just across from the Minnesota border.

3 Q. And from there you then moved into?

4 A. I was promoted and transferred to
5 the Major Crimes Unit out of Mount
6 Pleasant. So myself and Agent Joe Lestina
7 are--we're a two-person office at the
8 Mount Pleasant office. Our zone covers
9 all of southeast Iowa. We cover 20
10 counties and Cedar Rapids, Iowa City,
11 Burlington, Keokuk, Mount Pleasant, the
12 Quad Cities. So we cover a large area.

13 Q. And you say major crimes. What
14 types of cases do you get involved with?

15 A. A little bit of everything. The
16 DCI is an assist agency. So any
17 department or county sheriff's office that
18 wants our assistance in, generally, any
19 case--there are some things that are
20 beyond my pay grade as to what we get
21 involved in--but for the most part we are
22 involved in felony-level cases. It could
23 be anything from fraud, child endangerment
24 cases. A large percentage of our cases
25 are death investigations, and most of

1 those are either homicides, suicides, or
2 natural deaths.

3 Q. So you assist local law enforcement
4 at their request?

5 A. Correct.

6 Q. Can you tell us what a normal day
7 as a DCI agent is?

8 A. I wish there was a normal day as a
9 DCI agent. That's a tough question. I
10 think that it depends on the number of
11 cases that you're working. A lot of our
12 time is spent coordinating and working
13 with the departments that we are assisting
14 on different cases. So there's a lot of
15 things that need to be run down, a lot of
16 leads that need to be run down, a lot of
17 people interviewed, talking to the lab.
18 It just depends on the case.

19 Q. Some days you might be sitting in
20 the office all day writing reports?

21 A. Correct.

22 Q. Other days you may be out twenty-
23 four hours without getting any sleep
24 because you're investigating a homicide?

25 A. Correct.

1 Q. All right. Let's talk about
2 Midwest Academy.

3 A. Okay.

4 Q. Did you become involved in this
5 investigation?

6 A. I did.

7 Q. How did you become involved?

8 A. The case agent for this particular
9 case is Agent Joe Lestina. Joe Lestina,
10 as I said earlier, is my partner in the
11 same office. So him and I have a very
12 good working relationship, and we usually
13 know which cases each one is working and,
14 you know, kind of how the cases are going
15 and what needs to be done.

16 So I was aware before--when Agent
17 Lestina picked up the case, and I was
18 aware of what the case was going to be
19 about. But I did not get involved in the
20 case until the search warrant was executed
21 at Midwest Academy on January 28th.

22 Q. You used the words "case agent" or
23 the phrase "case agent." What does that
24 mean?

25 A. The case agent is essentially the

1 person who's in charge of the entire case.
2 That individual, it's their job to kind of
3 know what the case is, what needs to be
4 done, and then their job is to delegate
5 exactly what they want done from other
6 agents, assisting agents, or even a
7 detective or an officer from another
8 department that's assisting us. They're
9 kind of in charge and kind of in that lead
10 role of: Okay, this is what we need done,
11 and this is how I want it done.

12 Q. In charge of that particular case?

13 A. Correct.

14 Q. All right. So you mentioned a
15 search warrant was done at Midwest
16 Academy; correct?

17 A. Correct.

18 Q. What day was that?

19 A. That would have been January 28,
20 2016.

21 Q. You were asked to assist on that
22 search?

23 A. Correct.

24 Q. What was your job?

25 A. I was part of the initial search

1 team that--I was assigned to initially go
2 into and assist with collecting all of
3 the--well collecting is the wrong term--
4 but getting all of the students and staff
5 into the gymnasium to try to get everyone
6 in one area. And then myself and another
7 agent searched the seminar building.

8 Q. Let's back up a little bit. Give
9 us an idea in our heads as to what the
10 scene looked like when you arrived. I
11 mean, how many people are there to do this
12 search? Do you know?

13 A. To do the initial search for law
14 enforcement?

15 Q. Yes.

16 A. I don't know that I could give you
17 an-- Dozens. I don't know that I could
18 give you an exact number.

19 Q. Why so many?

20 A. It's a large facility. There are a
21 lot of people, staff, students. There
22 were a lot of students that needed to be
23 interviewed. And like I said, the campus
24 of Midwest Academy is large. It's not
25 just one room or one building.

1 Q. So a lot of the reason for the
2 numbers was just due to volume, to the
3 size of the school, the students and
4 staff, all of that?

5 A. Correct.

6 Q. You said that you were assigned to
7 search the seminar room; is that right?

8 A. Yes, the seminar building.

9 Q. Seminar building. Did you do that?

10 A. Yes, I did.

11 MS. TIMMINS: May I approach, Your
12 Honor?

13 THE COURT: You may.

14 Q. (By Ms. Timmins) We already have
15 these entered into evidence, but I'll just
16 have you look at them for me. So I'm
17 handing you what has been marked as
18 State's Exhibits 18 through 26. Are those
19 photographs that you took or were taken by
20 someone else with you the day that you
21 were doing the search at the academy?

22 A. Yes. These photos were taken by
23 the DCI crime lab team.

24 Q. Tell us about how--when you entered
25 the building, did you go in the front

1 door?

2 A. Yes. I came in what I believed to
3 be the main door by the main front office.

4 Q. From the front door, how do you get
5 all the way back to the seminar building?
6 We've heard it's a long way.

7 A. It is a long way. I know there's
8 a--the main hallway that goes back to
9 where, I believe, the kitchen and lunch
10 area is. And then to the left there's an
11 additional hallway. I remember walking
12 through a door and there was maybe a ping
13 pong table and a larger room.

14 You go down another hallway, and
15 then there's a gymnasium and I believe
16 there's a bathroom. And then there's
17 another hallway that you walk through that
18 brings you into the seminar room--or the
19 seminar building. The seminar building
20 would be the farthest to the north and
21 west. It's the farthest building away
22 from the front door.

23 Q. And was there something in
24 particular--was there a particular room or
25 area that you were told was of interest in

1 the seminar building?

2 A. Yes. It was referred to as the
3 mirror room. The mirror room was an
4 upstairs room on the back side of the
5 seminar building. You had to go through a
6 set of double doors. If my memory serves
7 me correctly, there was some bathrooms,
8 maybe a kitchenette area, or what would be
9 considered a kitchenette.

10 And then there was an exterior
11 door. And right at that door, if you took
12 a left and went up the stairs, at the top
13 of those stairs is where the--what would
14 be called the mirror room was located, and
15 there was a closet as well up there.

16 Q. All right. Besides searching that
17 area, what else did you do?

18 A. After getting the crime scene team
19 to the mirror room, and making sure that
20 the facility was clear and safe, myself
21 and another agent conducted several
22 interviews of students throughout the rest
23 of my time there.

24 Q. And how did that work? You said
25 that the students were all put in the

1 gymnasium; is that correct?

2 A. Correct.

3 Q. Okay. And were they just kept
4 there and was there some point they could
5 go back to a normal day, or did you need
6 to keep everyone in the same area?

7 A. Initially, they were all kept
8 within the gymnasium. I do believe at
9 some point throughout the evening-- You
10 have to remember that I believe we came in
11 right around noon that day. I didn't
12 leave Midwest Academy until almost 4:00
13 a.m. that evening (sic). So it's a long
14 time span.

15 So I don't know exactly when people
16 were allowed to go back to--at one time
17 the females were put in the female wing,
18 and the males were put into the male wing.
19 I don't know--I don't recall when that
20 was. But through the course of that time,
21 you know, I was interviewing multiple
22 students.

23 Q. And how would do that? Would you
24 just pull one out and take them to the
25 room and talk to them?

1 A. Correct.

2 Q. Is it fair to say this was--this
3 particular search was out of the ordinary
4 compared to most searches that you do?

5 A. Yes.

6 Q. And again, due to the size of the
7 building and the number of people there?

8 A. Yes.

9 Q. And you left at 4:00 a.m.?

10 A. Approximately, yes.

11 Q. So that would be January 29th?

12 A. Correct.

13 Q. 2016; correct?

14 A. Correct.

15 Q. Did you return to Midwest Academy
16 on another day?

17 A. Yes.

18 Q. When was that?

19 A. On February 1st of 2016, so a few
20 days later myself and Detective--who now
21 is the Sheriff of Lee County, Stacy Weber,
22 at the time was a detective with the Lee
23 County Sheriff's Office, him and I
24 returned to conduct an additional search
25 warrant.

1 Q. What were you looking for this
2 time?

3 A. We were there to collect the
4 student and staff and previous student and
5 staff work records or records that were
6 held by Midwest Academy.

7 Q. You wanted student documents?

8 A. Correct.

9 Q. So what happened when you arrived
10 at the academy?

11 A. I met with Mr. Trane who--also on
12 that search warrant--the DVR system, the
13 recording system for the surveillance
14 system that they have at Midwest Academy
15 was also on that warrant, and that was
16 initially collected by me.

17 And then we were also--Mr. Trane
18 showed us to where he kept the student
19 records. It was a room at the back. I
20 would have to look at, like, a map of the
21 facility to be able to tell you where it
22 was. But it was down the hallway, and I
23 believe it was to the left.

24 Q. Was it a large room?

25 A. It was a fairly large room.

1 Q. And the Defendant, Ben Trane, had
2 told you that this is where the student
3 documents are?

4 A. Correct.

5 Q. Were there a lot of student
6 documents?

7 A. Yes. When I walked in the door, it
8 was made very apparent that I would not be
9 able to collect all those boxes of
10 documents and put them in just my car. I
11 knew that we would need some sort of large
12 vehicle. There were literally boxes
13 stacked from floor to ceiling in some
14 places, and it was wall to wall. There
15 were a lot of documents involved.

16 Q. So what did you do?

17 A. I left a copy of the search warrant
18 with Mr. Trane, and I left Midwest Academy
19 and informed Agent Lestina, who was the
20 case agent, that we would need a truck or
21 a trailer or something; that I would not
22 be able to take the documents myself due
23 to the volume.

24 Q. But the Defendant was aware that
25 that room full of documents, the student

1 documents, was what you were going to
2 take; correct?

3 A. Correct.

4 Q. So did you go back to Midwest
5 Academy for the documents?

6 A. I did.

7 Q. When was that?

8 A. February 11, 2016.

9 Q. When you returned this time, did
10 you have more people with you?

11 A. I did.

12 Q. To help carry boxes?

13 A. Correct.

14 Q. Did you also have larger equipment
15 to put the boxes in?

16 A. Yes. We had rented a U-Haul truck,
17 and I believe it was a 27-foot truck, to
18 put those documents in and other documents
19 that were at the facility.

20 Q. Did you go to the room where the
21 Defendant had shown you on February 1st
22 where all the student documents were?

23 A. I did.

24 Q. What was in the room?

25 A. The room was empty.

1 Q. Were other people assigned, then,
2 to try to figure out where those documents
3 went?

4 A. Yes.

5 Q. What did you yourself do the rest
6 of that day?

7 A. A lot of the documents within the--
8 what I would call the main office, there
9 were a lot of large, heavy file cabinets,
10 and I assisted in lifting, pulling, and
11 pushing those cabinets into the back of
12 the truck.

13 Q. All right. Following that day,
14 February 11, 2016, did you have any
15 further involvement in this case?

16 A. I did. During the--midway through
17 February--and I'm not sure of the exact
18 dates, but somewhere around the 12th, the
19 15th, somewhere in there, I interviewed a
20 large number of current and former
21 employees of Midwest Academy. That took
22 place at the Department of Human Services
23 building here in Keokuk over by the post
24 office.

25 Q. And since that time, as Agent

1 Lestina's partner, have you had occasions
2 just to help him out with things here and
3 there on the case?

4 A. Yes. We've made a couple of trips
5 to interview students. A lot of the
6 students, past and present, have moved
7 across the country or just have gone on
8 and lived their lives. So it took a while
9 to actually track down a handful of
10 individuals.

11 There was occasion when we drove to
12 St. Louis to interview a former student,
13 and then also one specific trip we went to
14 Dubuque to interview another student as
15 well.

16 MS. TIMMINS: I don't have any
17 further questions.

18 THE COURT: Ladies and gentlemen,
19 it's time for our mid-morning recess which
20 we'll take at this time, ten to fifteen
21 minutes. Please remember the prior
22 admonitions.

23 (A recess was taken at 10:36 a.m.)

24 (In open court, outside the
25 presence of the jury, in the presence of

1 the Court, the Defendant, and counsel at
2 10:50 a.m.)

3 THE COURT: All counsel and the
4 Defendant are present. The witness is on
5 the witness stand.

6 Please bring in the jury.

7 (In open court, in the presence of
8 the jury, the Court, the Defendant, and
9 counsel at 10:52 a.m.)

10 THE COURT: Please be seated.

11 Ms. Schaefer, you may proceed.

12 MS. SCHAEFER: Thank you, Your
13 Honor.

14 CROSS-EXAMINATION

15 BY MS. SCHAEFER:

16 Q. Agent Herman, it's correct that you
17 had a fairly limited role in the
18 investigation as far as the search
19 warrants?

20 A. I'd say that's accurate.

21 Q. I mean, you didn't make the search
22 warrant applications and that sort of
23 thing, did you?

24 A. I assisted Agent Lestina on the
25 warrant that we did for the--when I went

1 back on the 1st, for the DVRs and student
2 records.

3 Q. So on the first search warrant on
4 the 28th, you indicated your duty was to
5 look for anything of significance in the
6 seminar building, specifically that second
7 floor room?

8 A. Correct.

9 Q. And what was your instruction once
10 you found anything of significance?

11 A. We were to--if we found what we
12 were looking for, we were to make contact
13 with the crime scene team. The DCI crime
14 lab sent out two or three analysts and
15 technicians to help out with processing
16 the scene. So anything that we found we--

17 Q. So basically, you were just
18 supposed to tell the crime scene folks,
19 hey, look at this or look at that?

20 A. Correct.

21 Q. What items of significance did you
22 find in that room?

23 A. There were a few couches--a love
24 seat or a couch, couches of different
25 sizes in the mirror room.

1 Q. And you didn't seize those;
2 correct?

3 A. We did not seize those. They were
4 processed there at the scene.

5 Q. And you would have had nothing to
6 do with that processing?

7 A. Correct.

8 Q. And other than--and was that the
9 only thing that you saw of significance,
10 the sofas?

11 A. There were a few small twin-sized
12 mattresses that were stacked up and set
13 against the wall, I believe in the closet
14 or what would be the smaller room of the
15 two.

16 Q. And again, you just handed the
17 reins to the crime scene team?

18 A. Correct.

19 Q. Were they seized?

20 A. I don't believe they were seized.
21 I think that they were processed as well
22 just there.

23 Q. And is that often the case with
24 larger items, things that you don't
25 necessarily take them with you?

1 A. It depends on the case. We've
2 seized vehicles and transported them to
3 the crime lab in Ankeny. It just depends
4 on the case. But in this particular case,
5 those items--it wasn't--I guess it wasn't
6 reasonable to take all these large items
7 and take them to the crime lab. We didn't
8 have the space or the ability.

9 Q. Other than the couches and the
10 mattresses, was there anything else of
11 significance that you pointed out to the
12 crime scene team?

13 A. I don't believe so.

14 Q. And was that the crux of your
15 involvement in the actual search warrant
16 execution on that date?

17 A. Yes. As far as just the actual
18 search warrant, assisting in the clearing
19 and searching of that seminar building,
20 yes.

21 Q. And you indicated initially you
22 were involved in basically just getting
23 the students and the staff all in one
24 location that was not going to be
25 searched?

1 A. Correct.

2 Q. You also indicated that you
3 conducted a series of interviews. When
4 did those begin?

5 A. I would say that from the time that
6 we got everyone in the gymnasium and we
7 searched the seminar room-- I don't know
8 what the timeframe was, but probably an
9 hour, hour and a half. I would have
10 indicated in my interview narrative what
11 time the interview started and what time
12 the interview ended. So if you looked at
13 my first interview, you would know that
14 that was about the timeframe.

15 Q. But you don't recall when those
16 began?

17 A. I don't.

18 Q. And when you returned on February
19 2nd, that was the additional search
20 warrant for the student records and the
21 DVR system?

22 A. February 1st. You said the 2nd.

23 Q. Oh, I'm sorry.

24 A. February 1st is when we returned,
25 yes.

1 Q. And did you seize that system?

2 A. Yes, I did.

3 Q. And you indicated that Mr. Trane
4 began to show you where some of the
5 student and staff records were?

6 A. Correct.

7 Q. And isn't it true that he indicated
8 to you that in addition to this room,
9 there were records in other areas of the
10 school?

11 A. Correct.

12 Q. Did you go look at those areas?

13 A. I believe I looked into--he showed
14 me in the main office where the large
15 filing cabinets were. I believe we went
16 into what would be a therapy room or
17 offices with the therapists that were
18 there. I don't know that he walked me to
19 each individual room and showed me, but he
20 indicated to me that, you know, there's
21 records here; there's records here.

22 Q. So you had knowledge that records
23 were located in different areas throughout
24 the school?

25 A. Correct.

1 Q. But you already knew at that point
2 in time that you weren't going to be able
3 to take them?

4 A. Correct.

5 Q. And did you tell him at that time
6 that he was not to touch any of the
7 records?

8 A. I don't believe I said that.

9 Q. And you said you left him a copy of
10 the search warrant?

11 A. Yes.

12 Q. When you returned on February 11th,
13 was Mr. Trane there?

14 A. I believe he was, yes.

15 Q. And did he assist you in the
16 various locations where the records were?

17 A. He did not assist me specifically.

18 Q. When I say assist, pointed out
19 where they were?

20 A. I don't know that he specifically
21 showed me, but I do believe that he
22 indicated to officers--I wasn't the only
23 one that returned. There were a handful
24 of individuals that came back to carry the
25 boxes. So I don't think he showed me

1 specifically, but he may have to another
2 officer or agent.

3 Q. But to the best of your knowledge,
4 he was fairly cooperative in showing all
5 of the agents where the various items
6 would be?

7 A. Yes.

8 MS. SCHAEFER: I don't have any
9 other questions.

10 THE COURT: Ms. Timmins?

11 MS. TIMMINS: No questions.

12 THE COURT: Sir, you may step down.
13 Thank you.

14 Ms. Timmins, you may call your next
15 witness.

16 MS. TIMMINS: The State calls Tom
17 Pearson.

18 (Continued on the next page.)
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