

1 the record, we are deferring our opening  
2 statement until after the case in chief of  
3 the prosecution.

4 THE COURT: Thank you.

5 (In open court, in the presence of  
6 the jury, the Court, the Defendant, and  
7 counsel at 3:00 p.m.)

8 THE COURT: The jury has already  
9 been seated. The State now may read the  
10 Trial Information and the Defendant's plea  
11 to the charges, Ms. Timmins.

12 MS. TIMMINS: In the Iowa District  
13 Court in and for South Lee County, State  
14 of Iowa vs. Benjamin G. Trane, Defendant.

15 Trial Information. Comes now,  
16 Denise A. Timmins, as Assistant Attorney  
17 General, and in the name and by the  
18 authority of the State of Iowa accuses the  
19 Defendant of the crimes of Sexual Abuse in  
20 the Third Degree, Sexual Exploitation by a  
21 Counselor, and Child Endangerment,  
22 committed as follows:

23 Count I, Sexual Abuse in the Third  
24 Degree. The Defendant, between January--  
25 excuse me--on or between January 1, 2015,

1 and December 31, 2015, in South Lee  
2 County, Iowa, did sexually abuse K.S. by  
3 performing a sex act against her will or  
4 by force.

5           Count II, Sexual Exploitation by a  
6 Counselor. The Defendant, on or between  
7 September 18, 2014, and January 31, 2016,  
8 in South Lee County, Iowa, did as a  
9 counselor or therapist, engage in a  
10 pattern, practice, and/or scheme of  
11 conduct to engage in any sexual conduct  
12 with a patient, client, or emotionally  
13 dependent patient or client for the  
14 purpose of arousing or satisfying the  
15 sexual desires of the Defendant or the  
16 client.

17           Count III, Child Endangerment. The  
18 Defendant, on or between September 18,  
19 2014, and January 31, 2016, in South Lee  
20 County, Iowa, being a parent, guardian, or  
21 person having custody or control over a  
22 child, did knowingly act in a manner that  
23 created a substantial risk to the child's  
24 physical, mental, or emotional health or  
25 safety.

1           This was signed a true Trial  
2 Information by Denise A. Timmins. To  
3 these charges, the Defendant has pled not  
4 guilty.

5           THE COURT: Ladies and gentlemen,  
6 the lawyers will have a chance to make  
7 opening statements. In doing so, they may  
8 explain to you what they believe are the  
9 issues in the case and what they expect  
10 the evidence will show.

11           The statements which they now make  
12 and the arguments they will later make  
13 after all the evidence has been received  
14 is not evidence and may not be considered  
15 by you as evidence.

16           Also, any statements they may make  
17 about the law is not to be considered as  
18 the law of the case.

19           Since evidence often comes in  
20 piecemeal and out of chronological or  
21 logical sequence in the trial of a  
22 lawsuit, the statements of the lawyers are  
23 merely to put the facts in perspective.  
24 They are intended to give you a thumbnail  
25 sketch of the case and outline the

1 evidence to better aid you in  
2 understanding the issues and the evidence.

3           With that, then, give Ms. Timmins  
4 your attention.

5           MS. TIMMINS: May it please the  
6 Court.

7           THE COURT: Ms. Timmins.

8           MS. TIMMINS: Counsel.

9           MS. SCHAEFER: Ms. Timmins.

10           MS. TIMMINS: Midwest Academy was  
11 advertised as a therapeutic boarding  
12 school, a place where troubled teens could  
13 go. They opened in this community in  
14 early 2000. Parents were told that their  
15 children would be cared for, kept safe,  
16 given a good education, and taught  
17 discipline.

18           Students were told that the program  
19 was tough, but you'll be better for it,  
20 for going through it. For some students,  
21 that may have been true and it was a  
22 positive experience. For other students  
23 it was definitely not true, and there was  
24 no positive experience to it at all.

25           The Defendant in this case,

1 Benjamin Trane, was the man in charge at  
2 Midwest Academy. He was the owner; he was  
3 the director; he wrote the rules and the  
4 policies; he decided who to hire, who to  
5 fire; he had staff living in apartments  
6 there on the campus. He had control of  
7 everything at the academy.

8           And he also had a lot of trust.  
9 You know, he had the trust of the parents  
10 who chose to send their children there.  
11 He had the trust of the students who all  
12 will say, it was a big deal to get to talk  
13 to Mr. Ben. He was the guy that would  
14 maybe get you treats sometimes or maybe be  
15 a little lax on the rules because nobody  
16 else would. So he had their trust.

17           But the State believes, ladies and  
18 gentlemen, that the evidence will show  
19 that that trust was abused and that power  
20 was abused, and it was the kids that paid  
21 the price for it.

22           The Defendant is charged with three  
23 counts. There's a Sexual Abuse, Sexual  
24 Exploitation, and Child Endangerment.  
25 Before we go to some of the specifics

1 about the charges, let's talk a little bit  
2 first about the structure at the academy,  
3 because you're going to hear a lot about  
4 it. So this is a general overview of  
5 that.

6           What you're going to find is that  
7 it was an extremely rigid environment,  
8 which in and of itself is not so much of a  
9 problem. But you will hear about all of  
10 the rules that the kids had to learn and  
11 follow.

12           You will find out that when someone  
13 entered the academy, there are levels that  
14 they were on. So when you first get  
15 there, you're a Level 1. A Level 1 had  
16 certain restrictions. Food was a  
17 privilege there. So as a Level 1, you  
18 couldn't eat ketchup and mustard. You  
19 couldn't have the salad dressing at the  
20 salad bar, things like that. So you had  
21 to earn condiments on Level 1.

22           As a Level 1, you couldn't talk to  
23 people. There was certain people you  
24 could talk to. Again, it all went with  
25 what the rules were. But Level 1s weren't

1 allowed to talk to each other; they  
2 weren't allowed to talk to staff. It was  
3 part of the discipline.

4           You will find out that not just  
5 Level 1 but several levels, there was no  
6 mirrors. You were not allowed to look at  
7 yourself. When you walked down the  
8 hallway, again, not just the Level 1 but  
9 on all levels, when you went down the  
10 hallway you were in a straight line. When  
11 you turned a corner, it needed to be an  
12 exact turn on the corner. If your foot  
13 went out of the way, you would get a  
14 consequence. So again, a very strict  
15 environment.

16           The levels would go up I believe  
17 through Level 6. There may be some higher  
18 than that. Many kids stayed around the  
19 Level 3 or 4. A lot of kids never got  
20 above Level 1.

21           There would also be different  
22 things, such as infractions and  
23 consequences, different things that would  
24 take away points. You earned your levels  
25 by having enough points. So if you did

1 something maybe minor, you would lose this  
2 many points. If you did something like  
3 talk when you're not allowed to, you would  
4 lose more points. If you did something  
5 major, then it was big points or it could  
6 even be further consequences than that.

7           Also at the academy, there was a  
8 lot of self-policing, student policing  
9 that went on. So not only was the  
10 environment this very rigid environment  
11 where the kids really weren't allowed to  
12 have conversations with each other very  
13 much, but there was also a lot of policing  
14 enforced.

15           So if you got to a certain level,  
16 then you got to start giving consequences  
17 to the other kids. And it really--you'll  
18 see that it really nurtured this  
19 environment of distrust between students  
20 of, it's a big deal to be able to get to  
21 give consequences and the mentality that  
22 may go with that.

23           You will also find that there just  
24 was very little room for mistakes. Like  
25 most people sometimes would just have a



1 bad day, well sometimes a bad day at  
2 Midwest Academy may be where you were  
3 sitting in the OSS room, the Out of School  
4 Suspension room. A bad day of too many  
5 consequences or shouting out at a teacher  
6 or getting in a fight with another student  
7 can lead you to a place where you're stuck  
8 in a room, a room that doesn't have a  
9 handle on it. When the door locks, it's  
10 shut. It's really small. It's concrete.  
11 There's nothing in there. The lights are  
12 on for 24-7. There's a camera watching  
13 you at all times.

14           You are expected to sit in what's  
15 called structure, which means that you  
16 must sit on the floor with the concrete.  
17 There are about three positions you are  
18 allowed to sit in. One of those could be  
19 sitting on the floor with your legs  
20 straight out, hands at the side, and you  
21 must sit and not move and not talk. And  
22 if you want to change positions, then you  
23 have to raise your hand and you have to  
24 wait for someone to see you through the  
25 camera and tell you over the speaker that

1 you can move. But if you can move, it can  
2 just be to one of the other positions,  
3 which is maybe pulling your legs up to  
4 your chest and sitting like that for  
5 twenty-four hours.

6           When you were in the Out of School  
7 Suspension room and you had to sit in  
8 structure, and the only way you can get  
9 out is if you sit in structure twenty-four  
10 hours in those types of positions, not  
11 moving.

12           You'll hear that there has been  
13 some variations throughout the time that--  
14 sometimes if you did it for a few hours,  
15 then they would actually bring you a chair  
16 that you could sit down on and sit still  
17 quietly and not move.

18           At nighttime, if you were good, you  
19 would get your mattress and sometimes your  
20 sleep time would count for your structure  
21 time, sometimes not. If you were bad and  
22 you weren't sitting quietly or you were  
23 yelling or throwing a fit because you  
24 wanted to get out, you wouldn't get a  
25 mattress. You would sleep on the concrete

1 floor, if you slept at all.

2           So that's what could happen on a  
3 bad day at Midwest Academy.

4           The other thing with the Out of  
5 School Suspension rooms is that you got  
6 different food there. Like I said, food  
7 was a privilege at Midwest. A mattress  
8 was a privilege at Midwest.

9           If you were in Out of School  
10 Suspension, they had a rigid diet for you.  
11 Breakfast was usually a peanut butter and  
12 jelly sandwich. You'll hear kids say  
13 maybe there was a pickle or maybe there  
14 was something else with it. Lunch would  
15 be a particular meal like a bologna  
16 sandwich and a thing of milk, and dinner  
17 again would be a particular food.

18           If kids were really bad and were  
19 having a--you know, they weren't being  
20 quiet in there and they were fighting out  
21 in there, whatever it may be, then they  
22 would get really special meals, and  
23 sometimes it would be food that they hated  
24 because that was supposed to be the  
25 incentive for them to be good so they

1 could leave, or sometimes it would be just  
2 really bad, rice and beans, or whatever.  
3 Because again, that was the incentive for  
4 them to be good, to make the right  
5 choices.

6           The faculty there also had a  
7 structure to it. You have dorm parents  
8 and shift leaders and family reps and  
9 counselors. So you're going to hear some  
10 of those different titles. But generally  
11 the dorm parent would be the person that  
12 would be with the kids throughout the day  
13 so somebody is there to get the kids out  
14 of bed, or they have to go to their  
15 classroom, they walk down the hall, it's  
16 time to go to the lunchroom, those types  
17 of things.

18           Again, the conversations are  
19 restricted with the dorm parents. So the  
20 parent that's spending the--not the  
21 parent--the persons that's spending the  
22 day with the kids wasn't allowed to have  
23 major conversations with these kids. It  
24 was more, you know, go here, do this, do  
25 that, here's your consequence, whatever it

1 may be.

2           Then there's a shift supervisor,  
3 and that person is overseeing the dorm  
4 parents. The shift supervisor is--you  
5 know, if something is really going on, you  
6 know, if a kid is acting up or whatever it  
7 may be, they can call a shift supervisor  
8 in. That person can decide: Does this  
9 kid need to go to OSS? Is there something  
10 else we can do? Those types of decisions.

11           You also had family reps, family  
12 representatives. These were the people  
13 that were the liaison between the children  
14 and the families. Talking to your parents  
15 was a privilege there. You couldn't talk  
16 to your parents on the telephone until you  
17 hit, I believe, Level 3. So if you were  
18 stuck on Level 1 or 2 and couldn't get off  
19 of that, you didn't get to talk to your  
20 parents. They'd let you write home. You  
21 could send a letter once a week if you  
22 earned that privilege.

23           But the family representative was  
24 the person who had a group of kids on  
25 their caseload and then would act as that

1 go-between for the parents, call the  
2 parents and let them know that Johnny went  
3 to OSS today, Johnny is having problems  
4 with this, Johnny needs to work on that,  
5 those types of things. So they were the  
6 go-between with the family.

7           The family rep had a lot of control  
8 over the child, about when the child could  
9 make phone calls, when the child could get  
10 privileges or consequences, or whatever it  
11 may be. The family rep controlled that  
12 kid's life there.

13           You also had counselors up there,  
14 too. Those are people who had the  
15 appropriate degree to do some counseling  
16 or therapy with the kids, because the  
17 boarding school was touted as a  
18 therapeutic school and parents were told  
19 that they would receive therapy.

20           What you won't find, though, is  
21 that the therapy sessions were--well, No.  
22 1, they weren't always private, because  
23 the academy didn't like to have a child  
24 alone without another child there, and  
25 that's understandable for some reasons.

1 But when you have these kids who are  
2 needing this treatment and this therapy,  
3 they go to their counselor and they'd have  
4 another student sitting there where they  
5 were expected to talk about private things  
6 or whatever it may be and get some help,  
7 but there's always somebody else there.

8           Even when they had meetings with  
9 doctors or nurses, there was always  
10 somebody else in the room with them. So  
11 there was little to no privacy at the  
12 academy.

13           That is a really quick overview of  
14 some of the structure that you're going to  
15 hear about from the academy. There will  
16 be several witnesses that can talk more  
17 about it. But hopefully that gives you a  
18 basic understanding before we get into the  
19 testimony.

20           Count I, that's the Sexual Abuse  
21 charge. That charge relates to the State  
22 alleging that the Defendant sexually  
23 abused Kxxxxxxx Sxxxxxxx while she was a  
24 student at Midwest Academy. Kxxxxxxx  
25 arrived at the academy in January of 2015.

1 She did well. When she was there she  
2 leveled up pretty quick. She didn't have  
3 too many issues when she first came. But  
4 over time she noticed that the Defendant  
5 had been starting to pay more attention to  
6 her, spending more time with her, asking  
7 her to go on seconds with him with other  
8 kids. And when you go on seconds, you're  
9 a second kid, if an adult is with somebody  
10 else.

11 So she saw that increase over time,  
12 and she soon figured out why. The  
13 evidence that you will hear is that at  
14 some point during Kxxxxxx's time at the  
15 academy, after months of--several months  
16 of being there, the Defendant started to  
17 touch Kxxxxxx. It started with very quick  
18 moments, nothing that took any too long of  
19 a time.

20 The academy is not an easy place to  
21 be alone at, because normally that  
22 wouldn't happen. But it was Mr. Ben, and  
23 Mr. Ben could pretty much do what he  
24 wanted there and nobody really questioned  
25 if Mr. Ben went here or went there.



1           I'm not going to go into the  
2 details of the sexual acts. I'm going to  
3 leave that for Kxxxxxxx to talk to you  
4 about. But what she's going to tell you  
5 about was there are several occasions over  
6 a period of time. One time it happened at  
7 the Defendant's house, and the Defendant's  
8 house was on the grounds at the academy,  
9 and kids did go over to his home. That  
10 was a privilege to be able to do that. So  
11 one of the times was at his house.

12           The other times happened at the  
13 academy. It involves digital penetration;  
14 it involves oral sex; and, it involves  
15 vaginal sex. And, again, I will leave  
16 that up to Kxxxxxxx to provide you those  
17 details.

18           A lot of that ties into Count II.  
19 Count II is Sexual Exploitation by a  
20 Counselor. Now, the Defendant is not a  
21 counselor. He doesn't have a college  
22 degree to say that he's a counselor, and  
23 doesn't have the education or training for  
24 it. But he held himself out to be one.

25           And under the statute, holding

1 yourself out to be one is the same as  
2 having an actual license hanging on your  
3 wall and saying that you are one, which  
4 makes sense.

5           So in Count II, we talked about the  
6 sexual contact that happened. Well,  
7 during this time you will find out that  
8 over time--so some of the sexual contact  
9 started, and then the Defendant decided to  
10 make himself Kxxxxxxx's family  
11 representative. He wasn't normally a  
12 family representative. He usually had a  
13 very small caseload of kids, but he chose  
14 Kxxxxxxx. It was her and another girl on  
15 the dorm.

16           So as the family representative, he  
17 was able to spend time with her and put  
18 her out more and things like that. But he  
19 also spent a lot more time having these  
20 discussions. I mean, the Defendant always  
21 wanted to talk to the kids. The  
22 Defendant, especially with Kxxxxxxx, always  
23 wanted to talk to her about problems in  
24 her life, about what things she could do  
25 to make things better. He would encourage

1 her to come talk to him about those  
2 things. At one point he said, don't talk  
3 to Jane your counselor about it. You need  
4 to come talk to me.

5           So through his position as a family  
6 representative--because at that time,  
7 also, family representatives, there had  
8 been a change made in the policy that  
9 family representatives were all of the  
10 counselors. They kind of became the same,  
11 you know, two positions with the same  
12 person. So through his position alone as  
13 a family representative, he acted as  
14 Kxxxxxx's counselor and through the words  
15 that he says to her and the actions that  
16 he does, he assumes and she assumes that  
17 he's her counselor. And during this  
18 entire time period, we have the sexual  
19 contact occurring.

20           Under our laws in the state,  
21 counselors, doctors, people like that,  
22 they don't get to have sexual contact with  
23 their clients, with people who are  
24 dependent on them, with people who have  
25 emotional issues and who are easily

1 manipulated and vulnerable. So that's  
2 Count II.

3 With Count II and with the  
4 counseling, you're also going to hear  
5 other information, not just from Kxxxxxxx.  
6 Look, I'll tell you right up front, nobody  
7 else is going to say that they saw the  
8 Defendant have sex with Kxxxxxxx. So you  
9 need to know that right now.

10 The only person that's going to  
11 corroborate what happened when it came to  
12 the sexual acts is Kxxxxxxx, because she  
13 was there, because it happened to her, and  
14 you just have to listen to make your  
15 decisions about that.

16 But in regards to some of this  
17 counseling and therapy and the pattern and  
18 practice and scheme of conduct of the  
19 Defendant in Count II, you are going to  
20 hear some things that corroborate what  
21 Kxxxxxxx was telling you.

22 Some of these students will tell  
23 you about the sexual surveys that the  
24 Defendant handed out to them. It was a  
25 survey--you'll see it--that has these

1 specific questions explicitly asking  
2 things about sex: When did you first have  
3 sex? What do you like during sex? Do you  
4 masturbate? Different questions like  
5 that. That was the Defendant's survey.  
6 He was the one that gave it to the kids.  
7 He was the only one that took care of that  
8 part of it. The counselors didn't even  
9 know that those surveys existed or were  
10 being handed out to students.

11           You will also hear about the body  
12 image therapy, or the body image class,  
13 that the Defendant would put on just for  
14 the girls. He would pull a group of the  
15 girls out and say, you know, we're going  
16 to talk about what shape your body is.  
17 And he would have pieces of paper out with  
18 an apple shape and a pear shape and an  
19 hourglass shape.

20           And then he'd ask the girls to go  
21 into this particular room that had a  
22 mirror. The girls were thrilled. They  
23 get to go look at themselves in the  
24 mirror. They haven't had mirrors. So go  
25 in this room, undress, get in front of the

1 mirror, take a look, come back out, and  
2 then let's talk about what your body shape  
3 is.

4           So he did that to numerous groups  
5 of girls as his way to help them and help  
6 their self-esteem and things like that is  
7 what he would tell them, the girls.

8           You will also hear a lot of the  
9 girls talk about the special attention  
10 that he gave to Kxxxxxx. I mean, it  
11 didn't go unnoticed at the school. And in  
12 fact, it didn't really help Kxxxxxx out a  
13 lot because a lot of the girls were really  
14 jealous of it, and they'd get mad about it  
15 and didn't think it was fair that she got  
16 that kind of attention.

17           And the trips that the Defendant  
18 would take some of the girls on, some of  
19 the upper levels, he took them shopping to  
20 Victoria's Secret so they could pick out  
21 bras and underwear. At Midwest Academy  
22 the bras and underwear they were given  
23 were plain with nothing to them. But for  
24 whatever reason, the Defendant took it  
25 upon himself to take some of these teenage

1 girls on numerous occasions to go shopping  
2 at Victoria's Secret.

3 Count III is the Child Endangerment  
4 charge. Count III is when we're going to  
5 start looking at the system that was in  
6 place at Midwest Academy, the system that  
7 the Defendant created. He made the rules.  
8 He made the policies. He was very clear  
9 on that in talking to DHS.

10 Dxxx Hxxxxx was 12 years old when  
11 he came to Midwest Academy. His mom [REDACTED]  
12 and her husband decided to send him there.  
13 They wanted to help their boy. He was  
14 having a lot of problems. They didn't  
15 know what to do.

16 Dxxx struggled with a lot of anger  
17 and defiance and things like that. So  
18 they started looking for some places.  
19 [REDACTED] and her husband actually came down  
20 here and looked at the academy and [REDACTED]  
21 said, I don't want to send him there; I  
22 don't like those locked rooms. Because  
23 the parents see the rooms. They know  
24 they're there. They get calls when their  
25 kids are put in there. But [REDACTED] had

1 said, I don't like these rooms. But she  
2 was assured that they're not going to be  
3 in there long at all; that this shouldn't  
4 be a problem for Dxxx at all.

5           And just that following week, there  
6 was an incident with Dxxx that she--  
7 just finally said, you know what, we've  
8 got to help him; we've got to do  
9 something. So let's call Midwest Academy;  
10 we'll go there. And that's what they did.

11           They brought their son Dxxx. He  
12 ended up locked in a room for about half  
13 of his time there, almost--well, over 50  
14 percent. While you're in OSS, you're not  
15 allowed to do any school work. You do  
16 nothing while you're in there. He lost a  
17 lot of weight while he was in there. When  
18 they finally left MWA, Midwest Academy, he  
19 had to repeat his entire seventh grade  
20 year because of the little schooling that  
21 he received when he was there.

22           He was sexually assaulted when he  
23 was there. He was only 12 and 13. A  
24 group of boys in a family--they called  
25 them families, the groups that they put



1 the kids in. That's your family. They  
2 put a particular group of boys together  
3 and some sexual incidents had occurred.  
4 Dxxx was involved with that and was one of  
5 the youngest kids there. The kids ranged  
6 from 13 to 17. He wasn't kept safe.

7 Dxxx won't be here to tell you  
8 about his experience. He can't talk about  
9 it. [REDACTED] will be here, and she can tell  
10 you what she knows. But you won't be able  
11 to hear it from Dxxx's mouth because Dxxx  
12 shuts down when you bring up Midwest  
13 Academy. He refuses to speak.

14 Bxxxxxx Vx was 12 years old when he  
15 was taken to Midwest Academy. It was the  
16 same thing. His mom wanted to get him  
17 some help. She was promised therapy. She  
18 was promised structure. Bxxxxxx spent  
19 about 63 percent of his time in the locked  
20 control rooms, no school, restricted  
21 meals, restricted access to human contact.

22 He didn't do well in OSS. Dxxx was  
23 able to get through OSS. He was in there  
24 all the time. But he was at least able to  
25 somewhat function there. Bxxxxxx, he

1 deteriorated in OSS. And get the Catch-22  
2 of that, because if you get put in that  
3 room and you start feeling like you're  
4 going a little crazy, and then you start  
5 acting that way, well it just lengthens  
6 your time, right? Because you have to sit  
7 still, you have to sit in structure.

8           With Bxxxxxx, you're going to hear  
9 things of banging his head on the wall, of  
10 smearing feces on the wall, of self-  
11 harming himself, multiple things of how  
12 his mental health was affected when he was  
13 in those control rooms.

14           Bxxxxxx will be here to speak about  
15 being in those rooms and being at Midwest  
16 Academy, and you can hear that from him.  
17 Bxxxxxx deteriorated so badly while he was  
18 at Midwest Academy that the counselors  
19 there were saying he should not be here;  
20 he needs to go somewhere else. But the  
21 Defendant decides who stays and who goes.

22           It wasn't until the Department of  
23 Human Services came and took Bxxxxxx out  
24 of that room that it was realized that his  
25 mother--that DHS and people realized what

1 was going on.

2           Bxxxxxxx didn't change his behavior  
3 and neither did Dxxx while they were at  
4 Midwest Academy. Because of that they  
5 were always in those rooms. What did  
6 change is that someone told what was going  
7 on there.

8           So the DHS received a tip on the  
9 hotline that said, there's some kids there  
10 that you need to go in and check on,  
11 because there's a big problem. So DHS  
12 opened an investigation. At the same  
13 time, the FBI had received some  
14 information. They also opened an  
15 investigation.

16           Jenny Richardson--this was in March  
17 of 2015--Jenny Richardson, a DHS  
18 investigator, she was involved in pulling  
19 Bxxxxxxx and Dxxx out of school--or out of  
20 the academy that day. She did an  
21 interview with them. They were returned  
22 to the school. Jenny Richardson called  
23 their parents, and at that time the  
24 parents both still thought, you know, the  
25 academy said they were going to help. Ben

1 said this was good for them, that this was  
2 going to work. Their counselors were  
3 saying this was going to work. You know,  
4 I want to help my kid. So they didn't  
5 agree to have the kids pulled out.

6 But you will hear from the parents  
7 that at some point decisions were made  
8 shortly thereafter to pull their children  
9 out of the academy.

10 As you heard earlier, Dxxx, he had  
11 to repeat the seventh grade because he  
12 received little to no education there.  
13 The day Bxxxxxx was brought home from the  
14 academy, the next day he was put in the  
15 hospital for malnutrition. That's how  
16 badly he had deteriorated there.

17 Now, you will hear from the  
18 evidence--or you won't hear from the  
19 evidence that it was the Defendant who was  
20 shutting the door. You won't hear that it  
21 was the Defendant that was picking them up  
22 and dragging them down the hall and  
23 putting them in the control room. But  
24 what you will know is that it's the  
25 Defendant's rules. It's his policies.

1 It's his procedures, and his employees are  
2 expected to follow that.

3 He is the person in charge. He  
4 knew what was going on. He would go to  
5 the OSS rooms and see the kids. He was  
6 aware of the situations. He was told by  
7 counselors that Bxxxxxx shouldn't be here;  
8 Dxxx shouldn't be here.

9 So you're going to have to make  
10 some decisions about that. He's not the  
11 person locking the door. He's not the  
12 person saying, no, you have to stay in  
13 there another twenty-four hours, even  
14 though you've already been in here for  
15 three days, but he's the person that made  
16 the rules. He's the person that made all  
17 of that happen and allowed that to happen  
18 while those kids were in his care.

19 The day that Jenny Richardson took  
20 those boys out of Midwest Academy is a day  
21 that sort of started a snowball rolling  
22 for the academy. So DHS had started some  
23 investigation. The FBI was involved in  
24 this investigation. You will hear from  
25 Jenny Richardson about what was going on

1 during this time.

2           But what you'll find out is that it  
3 was an employee, Cheyenne Jerred, who  
4 actually kind of broke everything open and  
5 brought things to an end. Why? Because  
6 Cheyenne Jerred found out about Kxxxxxx.  
7 Kxxxxxx had started making some comments  
8 about how she didn't feel comfortable  
9 around Mr. Ben. Cheyenne Jerred was a  
10 night staff. Cheyenne Jerred was not  
11 supposed to be talking to the kids, but  
12 Kxxxxxx started talking to her, and  
13 Cheyenne listened and she actually did  
14 something about it.

15           Now, Kxxxxxx didn't disclose  
16 everything at the beginning. And you're  
17 going to hear that that's normal. Kids  
18 don't just the first time they talk sit  
19 down and just say, okay, this is  
20 everything that happened that he ever did  
21 to me. You'll hear that that's not  
22 normal, that kids disclose over time, that  
23 they test the waters. They see, is this  
24 person going to believe me or not? And  
25 that's what Kxxxxxx did.

1           But based on the information that  
2 she did--that Kxxxxxxx provided to  
3 Cheyenne, Cheyenne thought somebody needs  
4 to know about this.

5           Now, initially she went to her  
6 supervisor at the academy and told them,  
7 look, this is being told to me. We need  
8 to do something. But what ultimately ends  
9 up happening is that Cheyenne gets called  
10 into work a couple days later and she gets  
11 fired.

12           Now, when Cheyenne got called into  
13 work, she kind of knew what was going on.  
14 She knew she was in trouble, and she  
15 decided, I'm not going to let them cover  
16 this up. So she made a phone call to DHS  
17 before she went into that office. And  
18 when she met with them she told them, I  
19 called DHS. But Cheyenne was fired. But  
20 it was that phone call that, again,  
21 reopened some of this.

22           That brought in another DHS worker.  
23 They took out Kxxxxxxx. They interviewed  
24 Kxxxxxxx. DCI agents got involved in this.  
25 Actually, it took several days to

1 interview Kxxxxxxx because Kxxxxxxx was very  
2 distrusting of people.

3           But the investigation was started.  
4 Kxxxxxxx was taken out of the school. She  
5 was not taken back. In January a search  
6 warrant was done on the academy.  
7 Interviews were done of all of the kids  
8 there. Documents were seized. There was  
9 a lot of coordination that happened in  
10 regards to going into the school.

11           But the day that search warrant was  
12 done and that these interviews were being  
13 done, parents were called and were told to  
14 come pick up your kids. This is done.  
15 Come pick up your kids.

16           Now, you may hear from some people  
17 that they weren't happy about it, you  
18 know. There were some parents that didn't  
19 want to come pick up their kids. There  
20 was some kids that didn't want to go  
21 because they liked Midwest, because they  
22 didn't have the same treatment that  
23 Bxxxxxxx or Dxxx or Kxxxxxxx or some of the  
24 others had received, that whole being in  
25 the same place and having a total



1 different experience, or different  
2 perception of what's going on.

3           So you're going to hear a lot of  
4 different sides to what this academy  
5 really was. And, again, you have to  
6 listen and make some determinations about  
7 what you find credible, what makes sense,  
8 who has motivation to say what.

9           What we do know is that at the end  
10 of this, it is up to you as the jury to  
11 decide what went on there. It is you as a  
12 jury to decide whether the State meets its  
13 burden. And we gladly take on our burden.  
14 We have to prove our case beyond a  
15 reasonable doubt. We have to do it in  
16 every case we do.

17           So we ask that you listen to the  
18 evidence carefully so you can make that  
19 decision at the end.

20           Some of this is going to come in  
21 piecemeal. We're already way behind and  
22 I've got people that need to go out on  
23 airplanes, and so some of it may not seem  
24 to make a lot of sense at first. But I  
25 just ask that you listen to the evidence

1 and wait until the end where you can put  
2 all those puzzle pieces together and you  
3 can sit back and look at the big picture.  
4 And there might be a few pieces missing  
5 out of it. But overall you're going to  
6 see the big picture. And the big picture  
7 is that the Defendant had all the power.  
8 He had all of the control, and he abused  
9 it. And it was the kids that paid for it.

10 And at the end of this case, ladies  
11 and gentlemen, the State is going to ask  
12 that you come back with verdicts of guilty  
13 on each and every count.

14 Thank you.

15 THE COURT: Ms. Schaefer, you have  
16 the opportunity to make an opening  
17 statement now, or your client has the  
18 right to reserve that right until just  
19 prior to the presentation of the defense  
20 evidence.

21 MS. SCHAEFER: Your Honor, the  
22 Defendant will be reserving opening  
23 statement.

24 THE COURT: Ladies and gentlemen,  
25 the defense has the right to waive