UNITED STATES DISTRICT COURT

for the

Northern District of Iowa

United States of America
v.

Gregory Scott Stephen

Defendant(s)

Case No. 18-MJ-74

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 26, 2010- February, 2018 in the county of Jones in the Northern District of Iowa, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 2252(a)(1)	Knowingly Transporting Child Pornography

This criminal complaint is based on these facts:

See attached affidavit.

☑ Continued on the attached sheet.

SIA Ryan C. Kedley I-60

Complainant's signature

Ryan Kedley, Special Agent Iowa DCI

Printed name and title

Sworn to before me and signed in my presence.

Date: 3/13/2018

Judge's signature

City and state: Cedar Rapids, Iowa

C.J. Williams, Chief U.S. Magistrate Judge

Printed name and title

STATE OF IOWA)
) ss AFFIDAVIT
COUNTY OF LINN)

I, Ryan Kedley, duly sworn upon oath, do hereby depose and state as follows:

1. I am a Special Agent with the Iowa Division of Criminal Investigation (DCI) and have been since October 19, 2007. Since October 2014, I have been assigned specifically to the Major Crime Unit—Zone 4 within the Iowa DCI. Throughout the course of my career, I have received training in the areas of, but not limited to, homicide investigations, major case management, search warrant writing, search and seizure, and interview and interrogation. During the course of my career, I have acted as the lead investigating agent or assisting agent in several homicide investigations, suspicious death investigations, and sexual assault investigations, as well as cases involving Internet crimes against children.

2. This affidavit is submitted in support of a criminal complaint and arrest warrant for Gregory Stephen.

3. The information set forth in this affidavit is based on my investigation of this matter, my knowledge, training, and experience, my own observations, information received from other law enforcement officers and/or witnesses, direct examination of relevant documents and/or Internet websites, and/or interviews with persons named in this affidavit. Where statements of others are set forth in this affidavit, they are set forth in substance and not verbatim. This affidavit contains only a summary of certain facts. I have not included every fact known to me or other investigators concerning the individuals and events described in the affidavit

4. Pursuant to Title 18, United States Code, Section 2252(a)(1) it is unlawful

for any person to knowingly transport in or affecting interstate commerce by any means any visual depiction if the producing of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction is of such sexually explicit conduct.

PROBABLE CAUSE

5. On Sunday, February 18, 2018, Monticello, Iowa Police Chief Britt Smith was contacted by V.E., age 49, who indicated he potentially possessed evidence of a criminal act. V.E. provided the following information to Chief Smith in a telephone conversation which was not audio recorded. V.E. informed Chief Smith that he had been providing construction/contracting/remodeling services on Thursday, February 15, 2018 at the home of his former brother-in-law, Greg Stephen (hereinafter "Stephen"), located in Monticello, Iowa. While providing these services, V.E. indicated he came across what appeared to be a plug-in USB electronic charging device (hereinafter "the USB recording device") located in the residence's bathroom. Upon V.E.'s further inspection of the device, it appeared the device was equipped with video recording capabilities. V.E. indicated he was concerned about the nature of the USB recording device. He also stated that he had concerns relating to his being previously informed by an unnamed family relative about photographic images Stephen possessed of young males. V.E. stated he took possession of the USB recording device and later inspected it using his home computer. V.E. stated he viewed a few of the digital video files and observed what appeared to be teenage boys in a hotel bathroom, disrobing and entering/exiting the bathroom shower. V.E. also indicated he also heard the voice of Stephen speaking in the background of a portion of the video recordings he had observed.

6. In an interview of V.E. conducted on the evening of Wednesday, February 21, 2018, V.E. provided the following information. V.E. said he decided to take the USB recording device from Stephen's place to see if he could get it to work. V.E. said he was curious to see what was on the USB recording device and V.E. questioned why the USB recording device was in the bathroom. V.E. said prior to February 15, 2018, the USB recording device was not in Stephen's bathroom. V.E. indicated they used the bathroom every day.

7. V.E. indicated that over the years he had done some work over at Stephen's house when it was owned by Stephen's parents. V.E. said maybe 20 years ago he came across a file containing some pictures of naked boys. V.E. said the photos were located next to a computer in Stephen's bedroom down in the basement. V.E. thought Stephen was in high school or college at the time. In response to a question, V.E. said the pictures looked like the pictures were homemade and possibly found online then printed off the computer. When asked about the age of the boys depicted in the photographs V.E. thought they had reached or were going through puberty. V.E. said he didn't say anything to anyone back then.

8. V.E. stated that, when he first saw the phone charger on Thursday, February 15, 2018, he knew exactly what it was, referring to it being a recording device. V.E. stated said he bought one online for himself a few months ago. V.E. said he was having problems with his trailer being broken into so he was looking into cameras. V.E. said he could never get the recorder (his own recorder) to work right, so he gave up on it.

9. V.E. stated that, upon viewing the contents of the USB recording device, he found digital video files stored within, and that some of these digital video files were organized within digital file folders labeled with the names of boys.

10. V.E. said that, on Friday (February 16, 2018), he and his son T.E. returned to Stephen's place to work around 8:00 a.m. to work. (T.E. currently is age 26.) V.E. said T.E. opened the door to "another bedroom" and discovered one of the basketball kids had spent the night. V.E. said he and T.E. had been making a lot of noise and had no idea the kid was in the room. V.E. said he didn't see the kid at the residence while working there on Thursday.

11. V.E. said he looked at the USB recording device on Friday night and that's when he saw the files. V.E. indicated the kid who spent the night at Stephen's place was one of the kids V.E. saw in the files on the USB recording device. V.E. didn't know the kid's name for sure, but V.E. said Stephen introduced the boy to him at the house.

12. In response to a question, V.E. said Stephen never reached out to him to inquire about the USB recording device. V.E. said Stephen did call T.E. on Thursday night and asked about it. V.E. said Stephen asked T.E. if they were coming back over to work on Friday and Stephen asked T.E. if he (T.E.) had his (Stephen's) cell phone charger. V.E. said Stephen maybe called T.E. since he has an iPhone and the USB recording device looked like an iPhone charger. V.E. said that, according to T.E., Stephen seemed pretty "frantic" about it and asked, "Well, who else would have it?" V.E. said he never told T.E. that he (V.E.) took the USB recording device.

13. Upon learning this information from V.E., Chief Smith instructed V.E. to turn over the USB recording device to the Monticello Police Department. On the

morning of Monday, February 19, 2018, V.E. provided the USB recording device to the Monticello Police Department. Chief Smith subsequently placed the device into Monticello Police Department evidence storage. The USB recording device was placed into the custody of the Iowa DCI on Wednesday, February 21, 2018 at 1:15 p.m. The USB recording device is an approximately 1"x1"x1" cube, black in color, with plug-in prongs and a sticker reading "32GB" on the rear face of the device, and with a USB plug-in receiver and a pinhole-size opening for a camera on the front face.

14. Stephen is the co-founder of and was active within the Iowa Barnstormers Youth Basketball Organization, which travels throughout the United States. Players of the Iowa Barnstormers Basketball Organization are boys who range in age from beginning in 5th grade through 12th grade, as well as girls beginning in 7th grade through 11th grade.

15. On Wednesday, February 21, 2018, I presented an application for a search warrant for the USB recording device to Iowa Magistrate Judge Lyons, who approved the search warrant.

16. Based on information provided to me by Chief Smith of the Monticello Police Department, and confirmed through the State of Iowa – Delaware County Assessor's BEACON online website, I learned Stephen is the primary owner of the residence located in Delhi, Iowa, in addition to the residence in which he resides, in Monticello, Iowa. On Thursday, February 22, 2018, I presented applications for two search warrants to Iowa District Court Judge Thornhill. These search warrants were for the residences located in Monticello, Iowa and in Delhi, Iowa, vehicles, and Stephen's person.

17. On the same morning, agents executed both search warrants. Prior to the execution of the warrants at both residences, Special Agent Matt George (DCI) and I interviewed Stephen inside Stephen's office at Stephen's place of employment, Stephen Motors, located at 1011 South Main Street in Monticello, Iowa, where Stephen works as the general manager. Stephen stated he had made the videos found on the USB recording device and further stated he had been trying to look at the development of kids and how they were growing and developing. Stephen stated he was evaluating adolescent growth and development. Stephen stated it was embarrassing and he (Stephen) knew he (Stephen) had it (referring to the USB recording device) and that it (referring to the USB recording device) was gone. He stated he knew it didn't look good and that's why he'd asked his nephew where it might be.

18. Stephen further stated his only intention of making the videos was to look at growth and development. Stephen also indicated he was looking at how much taller the kids were going to get and how developed they were. Stephen then acknowledged there had been some nudity captured on the videos he had made.

19. Stephen stated he used his laptop to view and make digital file folders within the USB recording device; he stated the videos themselves stayed on the device itself. Stephen indicated the three boys for whom file folders had been created are current players for Iowa Barnstormers Basketball. Stephen stated he and the three boys had been on a trip to watch a basketball game and had been staying in a hotel. Stephen stated the videos had been taken in a Courtyard Hotel in Ankeny, Iowa a few weeks earlier. Stephen stated he had had the USB recording device for two or three years but had never used it.

20. Stephen provided last names for the three boys for whom file folders had been created on the USB recording device. It should be noted that the three boys have been confirmed to be ages 13, 14, and 12 respectively.

21. Stephen then stated that, upon thinking about it, the videos had been taken on a trip to Chicago with the aforementioned three boys for the purpose of seeing a Chicago Bulls basketball game. Stephen stated the videos had been taken in an Embassy Suites hotel room in which they were staying on their way to the Chicago Bulls game. Stephen indicated the Embassy Suites is in Lombard, Illinois. Investigation has revealed that this trip occurred on January 26, 2018, to January 27, 2018.

22. Stephen indicated that, at some point during the course of their stay at the Embassy Suites, he had plugged in the USB recording device. Stephen indicated that, to his knowledge, none of the boys were aware he was recording them. Upon further questioning, Stephen indicated there were no other occurrences of him (Stephen) ever taking secret video recordings of his players.

23. Stephen stated he had made these videos on a whim, thinking he could go back and look at the videos.

24. Stephen went on to describe what he had been looking for in terms of observing the growth and development of his players via these secret video recordings. Stephen stated that part of his observations of the boys' development was of the boys' genitalia and amount of body hair. Stephen then conceded that he does not have a medical degree and acknowledged it was dumb to make the video recordings.

25. Stephen stated there has never been a time when he ever made any sort of sexual advance toward one of his players. Stephen stated he would never have a sexual

relationship with one of his players, whether it be a former player or a current player. Stephen stated there would not be any reason for us to find any additional images or videos on his home laptop or computer. Stephen further indicated none of his additional various electronic devices would be found with additional child pornography, either related to or unrelated to the Iowa Barnstormers Organization. Stephen stated he does not have any additional hidden video cameras that could potentially be found at his residence. He also stated there would be no video recording devices found at his residence in Delhi.

26. In response to a question asked by Special Agent George, Stephen indicated the boy who had spent the previous Thursday night at Stephen's residence was one of the boys who was recorded on the USB recording device. Stephen also indicated that, on Friday afternoon, another boy was also at his residence. (Further investigation determined that boy currently is in the 7th grade.)

27. Upon further questioning, Stephen stated the videos were made by him not for the purpose of arousal, but rather for the purpose of curiosity. Upon being questioned as to whether there was a sexual curiosity as a part of his motive into creating these videos, Stephen indicated part of his curiosity was based on exploring sexual development. He stated his purpose for creating the videos was for curiosity involving sexual development and adolescent development.

28. In response to a question asking Stephen whether he was aroused while viewing the videos, Stephen stated maybe a little bit. In describing what he had meant when he indicated he was aroused a little bit, Stephen indicated he was aroused in the same way you would be aroused when you view anyone naked.

29. Prior to the conclusion of the interview of Stephen, Special Agent George had notified additional law enforcement personnel to initiate the execution of the two residential search warrants.

30. Stephen indicated his computer at his desk is used both for his work at Stephen Motors as well as his work with the Iowa Barnstormers. Stephen provided the password to the iMac computer located on his desk. Stephen had been using this iPhone during the interview and identified it as his phone. He provided the passcode to the iPhone.

31. In response to a question, Stephen indicated the work he conducts relative to the Iowa Barnstormers on the computer in his office has to do with scheduling, rosters, payment plans, and team logos. Stephen indicated the iMac computer in his office was his primary computer for Iowa Barnstormers-related work. This model of this computer was A1419.

32. At this point in the interview, Special Agent George pointed to an additional cell phone located to the right of where Stephen was sitting on his work desk. Stephen described this cell phone as being the cell phone he had utilized prior to his current cell phone (the iPhone described above). Special Agent George indicated agents would be taking this additional cell phone. The phone was in a bronze-colored protective case. Stephen indicated that the passcode for this additional cell phone was the same as the passcode for his current iPhone.

33. In response to a question asked by Special Agent George, Stephen indicated he did not have a smoke detector inside the bathroom of his residence.

34. At the conclusion of the first interview of Stephen, pursuant to the search warrants, Special Agent George and I seized from the person of Stephen the iPhone he had been using during the interview, along with a black protective case. Based on exigent circumstances, we also seized the iMac computer and the iPhone in a bronze protective case, both referenced above. We then exited Stephen's office.

35. During the execution of the search warrants at the two residences, thirty-four (34) items were seized as evidence. Twelve (12) of these items were seized from the Monticello residence. These items included:

a. One Apple laptop computer, Model A1706, with power cord, found on desk in office

b. One external hard drive, Lacie, Porsche Design, with power and data cords, found on lower shelf of desk in office

c. One Apple Laptop, Model A1534, with power cord, found in dresser drawer in master bedroom

d. One Pixel 2XL cell phone, Model G011C, with power cord and box, found in nightstand drawer in master bedroom

e. One Nest security camera, removed from exterior of residence by front door

f. One Nest security camera, removed from living room area inside residence

g. One Nest security camera, removed from interior of residence by the outside basement entrance

h. One iPhone 7 cell phone, Model A1660, with box, found in drawer in kitchen area

i. Two covert USB cameras, each Model LDT-3GI-A (each consistent in appearance with the USB recording device provided to law enforcement by V.E.), found in nightstand drawer in master bedroom

j. One covert USB recording device, consistent in appearance with the USB recording device provided to law enforcement by V.E., found in backpack on floor next to desk in office

k. One covert USB recording device, which appeared to be a mountable bath towel hanging hook, equipped with a micro SD card contained within and a pinhole-sized opening pointing out, found in backpack on floor next to desk in office

36. Twenty-two (22) of the items were seized from the Delhi residence. These items included:

a. One smoke detector/possible camera, found in bathroom, plugged in and appearing to be charging, with the mount for this device located directly above the bathroom toilet

b. One black Apple iPad

c. One Sony camera

d. Two Samsung hard drives

e. One Apple watch

f. One black Apple iPhone

g. One Motorola smart phone

h. One Microsoft smart phone

i. One Apple iPhone with gray back

j. One Nexus Asus smart phone/tablet

k. One flip cell phone, LG Model 430

l. One flip cell phone, Casio 6Z One

m. Two Sprint black HTC phones

n. One 2GB Transcend mini SD card

o. Two 512MB micro SD cards

p. One 32 GB SanDisk Cruzer USB flash drive

q. One drawstring bag containing multiple DV cassettes

r. One gray 16GB iPhone

s. One 16GB USB flash drive

37. Later on Thursday, February 22, 2018, at approximately 12:17 a.m., Special Agent Matt George and I conducted a follow-up interview of Stephen at the same office at Stephen Motors where we had conducted the first interview. I indicated to Stephen that a MacBook laptop computer was located in his bedroom dresser. Stephen indicated he was planning on selling the computer on eBay. Stephen also indicated he did not believe this laptop computer had a password because he had cleared it for the purpose of selling it.

38. In response to a question inquiring about another MacBook laptop computer located in what appeared to be his residence's office room, Stephen indicated the password for this laptop was the same as the password to the iMac computer which had been seized by Special Agent George and me earlier that day.

39. I then asked Stephen if he had an Apple ID account, and he responded that he did. However, Stephen ultimately declined to provide Special Agent George and me with further information of that account, stating that his attorney had instructed him not to do so.

40. I asked Stephen if he had a Google Home ID which he wished to provide to us; he responded that he did not wish to provide his Google Home ID at this time.

41. Stephen indicated he is currently signed in to his NEST home surveillance system.

42. Special Agent George then indicated some other recording devices had been found inside a backpack in Stephen's Monticello residence's office. Special Agent George asked Stephen if he wanted to share what may be found on the devices, to which Stephen indicated there was one (device) which was used on the same weekend and in the same room as the USB recording device which we had already discussed.

43. On the morning of Tuesday, February 27, 2018, I conducted an interview with WITNESS 1, who was an active player for the Iowa Barnstormers in the summer of 2016. Also present for the interview of WITNESS 1 were his parents. WITNESS 1 indicated he is currently a player for the Iowa Barnstormers Youth Basketball Organization. WITNESS 1 indicated that, in the summer of 2016, while on an Iowa Barnstormers-related basketball trip to Las Vegas, he and two other youth basketball players shared a hotel room with Stephen. This would have been the summer in between WITNESS 1's 8th grade and 9th grade years. WITNESS 1 indicated that, on one night during this trip, the two other boys sharing the room with WITNESS 1 and Stephen were sleeping on the floor while WITNESS 1 shared a bed with Stephen. WITNESS 1 indicated that, at some point during the night, he was awakened by the comforter he was sleeping under shaking up and down repeatedly. WITNESS 1 stated he was also awakened by the sound of Stephen's heavy breathing behind him in bed. WITNESS 1 stated he was lying on his side, facing in the opposite direction from where Stephen was lying. WITNESS 1 stated that, at one point, the repeated movement of the comforter stopped and was followed shortly thereafter by the sound of multiple facial tissues being removed from a tissue box. WITNESS 1 stated that it was his initial reaction and observation that Stephen had been masturbating in the bed beside him.

WITNESS 1 stated he was shocked and remained frozen and motionless while this was going on. WITNESS 1 stated the only other person he shared these observations with was one of his friends who was also sleeping in the room on the floor that night. WITNESS 1 stated his friend had indicated to WITNESS 1 that he (the friend) had not observed what WITNESS 1 had observed the previous evening. WITNESS 1 stated he never spoke with anyone about these observations until recently.

44. On Wednesday March 7, 2018, pursuant to a search warrant signed by Chief Magistrate Judge C.J. Williams, I conducted an investigative examination of the digital files contained within the USB recording device. It should be noted prior to conducting this search, on the morning of Thursday, February 22, 2018, Special Agent Ward Crawley had provided me with a "working copy" of the contents of the USB recording device, placed on an external hard drive which has remained in, and is currently in, my possession. Special Agent Crawley is currently in custody of the USB recording device. During the course of my examination, more than one hundred video clips were found within the device's storage. Also found were file folders, labeled with the names the previously identified three boys. Within two of these folders were video clips of young, non-adult male individuals disrobing to the point of nudity with genitalia exposed to the camera. These video clips appeared to have been taken in what appeared to be a hotel bathroom. It should also be noted the males depicted in the video did not appear to be aware they were being video recorded at the time of the recording. It should also be noted the USB recording device's storage contained video footage of an adult caucasian male, who appeared to be Stephen.

45. It should be noted that law enforcement has had meetings with the parents of the three previously identified boys. During these meetings, all three sets of parents were provided a cropped, still photograph of the head and facial area of their respective child, taken from a still image of a video taken from the USB recording device. Each of the sets of parents positively identified their respective child as being the individual depicted in the still photograph.

46. Upon further examination of the files contained within the USB recording device, a video file was found appearing to have been taken from a hotel bathroom different in appearance from the hotel bathroom seen in the videos containing the three boys previously identified. The video clip shows what appears to be a different young, non-adult male individual disrobing to the point of nudity with genitalia exposed to the camera. The non-adult male in this video does not appear to have pubic hair. It should also be noted the male depicted in the video did not appear to be aware he was being video recorded at the time of the recording. As of the date of this complaint, the identity of this non-adult individual has not been determined. It should also be noted the bathroom scene in this video appears to have a partition separating the bathroom toilet and the bathroom sink. This distinction is consistent in appearance with the guest room bathrooms of the Courtyard by Marriott Hotel in Ankeny, Iowa, as shown on the hotel's online website photo gallery.

47. Records provided by the Assistant General Manager of the Courtyard by Marriott Hotel in Ankeny, Iowa, show Stephen was a registered guest at that hotel from January 5, 2018, to January 7, 2018; from February 2, 2018, to February 4, 2018; and from February 9, 2018, to February 11, 2018. It should also be noted the Iowa

Barnstormers Basketball website shows teams of the Iowa Barnstormers Basketball program were scheduled to participate in the following basketball events: January 6th and 7th for the 6th, 7th and 8th grade teams at Hardwood Alliance Session II (Des Moines, IA); February 3rd and 4th for all grades at GRBA State (Ankeny, IA); and February 10th and 11th at all AAU State (Ames, IA).

48. Based on the information set forth above, your affiant has probable cause to believe that Gregory Stephen has violated Title 18, United States Code, Section 2251(a)(1).

I declare under the penalty of perjury that the foregoing facts and circumstances are true and correct to the best of my knowledge and belief.

Executed this date of March 13th, 2018.

SIA I-60

RYAN KEDLEY
Special Agent
Iowa Division of Criminal Investigation

Subscribed and sworn to me this date of March 13, 2018.

C.J. WILLIAMS
Chief United States Magistrate Judge
NORTHERN DISTRICT OF IOWA