

**CONFIDENTIAL**

**PRE-SENTENCE INVESTIGATION**

**FILED**  
IN THE DISTRICT COURT  
**MAR 08 2013**

POTTAWATOMIE COUNTY, OK  
RETA HEAD, COURT CLERK  
BY \_\_\_\_\_ DEPUTY

**DEFENDANT:**

**Crain, Kimberly Ann**  
**DOB: 1/19/63 SS: 443-62-7520**

**OFFENSE:**

**COUNT 1: PORNOGRAPHY – MANUFACTURING JUVENILE PORNOGRAPHY**  
**COUNT 2: PORNOGRAPHY – MANUFACTURING JUVENILE PORNOGRAPHY**  
**COUNT 3: PORNOGRAPHY – MANUFACTURING JUVENILE PORNOGRAPHY**  
**COUNT 4: PORNOGRAPHY – MANUFACTURING JUVENILE PORNOGRAPHY**  
**COUNT 5: PORNOGRAPHY – MANUFACTURING JUVENILE PORNOGRAPHY**  
**COUNT 6: PORNOGRAPHY – MANUFACTURING JUVENILE PORNOGRAPHY**  
**COUNT 7: PORNOGRAPHY – MANUFACTURING JUVENILE PORNOGRAPHY**  
**COUNT 8: PORNOGRAPHY – MANUFACTURING JUVENILE PORNOGRAPHY**  
**COUNT 9: CONSPIRACY TO MANUFACTURE JUVENILE PORNOGRAPHY**  
**COUNT 10: DISTRIBUTION OF CHILD PORNOGRAPHY**  
**COUNT 11: AGGRAVATED POSSESSION OF CHILD PORNOGRAPHY**  
**COUNT 12: PORNOGRAPHY – POSSESSION OF JUVENILE PORNOGRAPHY**  
**COUNT 13: PORNOGRAPHY – POSSESSION OF JUVENILE PORNOGRAPHY**  
**COUNT 14: LEWD MOLESTATION**  
**COUNT 15: LEWD MOLESTATION**  
**COUNT 16: LEWD MOLESTATION**  
**COUNT 17: LEWD MOLESTATION**  
**COUNT 18: LEWD MOLESTATION**  
**COUNT 19: LEWD MOLESTATION**  
**COUNT 20: LEWD MOLESTATION**  
**COUNT 21: LEWD MOLESTATION**  
**COUNT 22: LEWD MOLESTATION**  
**COUNT 23: LEWD MOLESTATION**

**CASE NUMBER:**

**CF –2011-693A**

**SENTENCING DATE: March 22, 2013 at 9:00 AM**

**JUDGE:**

**THE HONORABLE JUDGE CANAVAN**

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**OFFICIAL VERSION:** The following information was provided by the Pottawatomie County District Attorney's Felony Information Sheet and the Affidavit submitted by Detective Rieves filed in CF-2011-693A.

"On 11-14-11, [REDACTED] mother of the victim, reported that on 11-11-11, her daughter [REDACTED] 9 years of age) went over to the suspect's (Kimberly Crain) residence, 4312 Faith Boulevard for a pizza party and to decorate a Christmas tree. [REDACTED] stated that earlier Crain asked if [REDACTED] along with some other children could come over to her residence for the pizza party. [REDACTED] stated that Crain has been a teacher with the Mcloud school district for some time now. [REDACTED] advised that her daughter was dropped off back home later that night at around 2000 hours. [REDACTED] stated that her and her husband asked her daughter if she had fun and what she did. [REDACTED] advised that her daughter stated that they dressed up in bras and panties and decorated the tree and ate pizza. [REDACTED] advised that she asked her daughter further about what they did and [REDACTED] advised that Crain took photos of her and her friends decorating the tree and then according to [REDACTED] her and the other girls made up a cheer dance and did it in the bras and panties while Crain videotaped them. [REDACTED] found this inappropriate and decided to report it to the police.

Further, on 11-14-11, Detective Rieves had [REDACTED] and her parents come in to the Police Department for an interview. I interviewed [REDACTED] who advised that on the way over to Crain's residence, Crain told her and her friends that she had something for them to change into when they get to her house. [REDACTED] advised that there were bras and panties lying on the bed in the bedroom and Crain's residence and Crain had all of the girls go into the bedroom, one by one, and change into the bras and panties. According to [REDACTED], the bras and panties were Christmas ones with words like "Ho! Ho!" on them. [REDACTED] stated that she and another girl did not want to change into the bras so they put on the panties and a t-shirt. [REDACTED] advised that Crain told them that they needed to go put the bras on. [REDACTED] stated that a pizza delivery person came to the door with the pizzas and they then ate pizza and decorated the Christmas tree and Crain took photos of them decorating. [REDACTED] advised that that she thought that Crain took about 5 photos. [REDACTED] advised that she and the other girls made up a cheer dance and did it in the living room while Crain videotaped it. [REDACTED] stated that she and her friends then went into the attic to play while Crain cleaned up in the kitchen. [REDACTED] advised that Crain then advised the girls to get dressed and then she drove all the girl's home.

On 11-17-11, I was contacted by the Mcloud Police Chief Roe who advised that he had a 3<sup>rd</sup> grade girl who is in Kimberly Crain's class come into the Mcloud Police Department with her parents. Chief Roe advised that the little girl stated that Crain has all the kids in her class Skype over the computer with an older man wearing glasses named "Uncle G". The child went on to state that 3 to 4 times a week, Crain takes photos of particular girls in the class, posing on the desk and chairs, using her personal cell phone.

On 11-22-11, upon recovery of the digital forensics, I turned the recovered cell phone from Crain over to DA Investigator Patrick Vance after finding that my forensic toll was unable to pull the deleted items off of the phone.

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On 12-01-11, at approximately 0130 hrs, I was notified by Investigator Vance that he was able obtain the deleted photos and video off of Crain's cell phone. Myself, Investigator Vance and DA Richard Smothermon reviewed the photos and video finding that they were images of the juvenile females (students) that were at the decorating /pizza party at Crain's residence. The photos were those of the juveniles in the bras and panties mentioned through the investigation. Other photos were found showing juvenile females exposed genitals, buttocks, and private parts. It was determined that there was plenty to pursue charges and make the arrest.

On 12-01-11, we responded to 4312 Faith Boulevard, Shawnee Oklahoma (Crain's residence). I made contact with Kim Crain and placed her under arrest."

**DEFENDANT'S VERSION:** The Defendant provided the following updated written statement regarding his involvement in the Instant Offense. All grammar, syntax and spelling are that of the Defendant.

Please see Attachment A

**VICTIM'S VERSION:** The District Attorney's office will provide the Victim's Impact Statements in this case.

**PRIOR ADULT RECORD:** Inquiries made to the Federal Bureau of Investigation, the Oklahoma State Bureau of Investigation, the Department of Public Safety and local law enforcement agencies reflect no prior criminal record.

**PRIOR JUVENILE RECORD:** An inquiry was sent to JOLTS. No record was found for this Defendant.

**FAMILY BACKGROUND:** This officer spoke to the Defendant on February 22, 2013 at the Pottawatomie County Public Safety Center. In addition a social history questionnaire was mailed to the Defendant's mother for additional information. Therefore the following information was provided by the Defendant and her mother.

The Defendant was born on January 19, 1963 in Shawnee, Oklahoma to [REDACTED]. According to the Defendant her parents are still married. The Defendant and her mother report a very close family unit. The Defendant and her mother also report that the Defendant has a close relationship with her sister, [REDACTED] who resides in Oklahoma City, Oklahoma.

**RESIDENCE:** The Defendant is currently in custody at the Pottawatomie County Public Safety Center. Prior to the Defendant's arrest, she resided at 4312 Faith Boulevard Shawnee, Oklahoma. The Defendant and her husband own the house and the Defendant was residing there with her husband and their daughter [REDACTED]. The Defendant reports she has resided there for 26 years.

**MARITAL HISTORY:** The Defendant reports she married [REDACTED] on May 24, 1981 in Shawnee, Oklahoma. The Defendant states they have two children together, [REDACTED] (27)

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and [REDACTED] (24). [REDACTED] resides in the home and [REDACTED] resides in Rapid City, South Dakota.

**EDUCATION:** The Defendant reports she graduated from Shawnee High School in 1981. The Defendant also reports she graduated from Seminole Junior College in 1983 with an Associate in Science and Oklahoma Baptist University in 1986 with a degree in Physical Education K-12. The Defendant reports she began working on her Master Degree at East Central University in 2009 and quit in 2011. This officer received verification from Shawnee High School verifying that the Defendant did graduate from there in 1981 with a 3.257 GPA. Seminole Junior College also verified the Defendant graduated from there in 1984 with an Associate in Science Degree and a 3.56 GPA. Oklahoma Baptist University verified the Defendant graduated from there in 1988 with a Bachelor of Science in Education. East Central University verified the Defendant did attend their Graduate Program from 2009-2011.

**EMPLOYMENT HISTORY:** The Defendant submitted the following employment history.

Dates Employed:	Employer's Name:	Nature of Work
2006-2011	McLoud Elementary School	3 <sup>rd</sup> Grade Teacher
1981-1985	Dr. Gary Alverson, DDS	Dental Assistant

The Defendant is currently unemployed. She reports she resigned from McLoud Elementary School in November 2011. This officer received verification from Dr. Alverson's office verifying she was employed with their office from 1981-1983 as a Dental Assistant. The Defendant received positive comments from Dr. Alverson and she is considered re-hirable there. A verification request was mailed to McLoud Elementary School but as of this date, no response has been received.

**PHYSICAL HEALTH HISTORY:** The Defendant denies any physical health problems other than high blood pressure.

**MENTAL HEALTH:** The Defendant denies any mental health problems other than depression and stress due to her current pending charges.

**FINANCIAL CONDITION:** The Defendant reports she is unaware of any of her financial conditions. She states her husband handles all of the bills and she does not know monthly payments of any of their assets.

**RESOURCES:** There are currently resources available in the institutional and/or community setting which will address the Defendant's current needs.

**OFFENDER PLAN:** The Defendant provided the following written statement regarding his future plans. All grammar, syntax and spelling are that of the Defendant.

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"I plan to help my husband with his business, Crain's, a mail-order company, until God leads otherwise. I plan to reside at my same residence – 4312 Faith Boulevard. I was working on my Masters in Elementary Education, if time allows I may finish because I only had two classes left. Otherwise will have to see what the Lord leads me to do – new field of study or help my husband. I need to work on liking and accepting "me". I would like to check into Christian counseling for couples. I'm not sure how the community will act. So I'd like to stay at home to start with and gradually get into regular activities. Church activities for sure, going to listen to my daughter play her music, being with family and friends."

**TRANSITION PLAN:** The LSI-R and the ASUS (Adult Substance Use Survey) are used to assess treatment needs. Another component of the LSI interview is the identification of the client's placement in the Stages of Change model. This model identifies six possible sequential stages in the behavioral change process. The identifiable stages include Pre-Contemplation, Contemplation, Preparation, Action, Maintenance and Relapse. After conducting the above-mentioned assessment, it appears that the Defendant is in the action stage of change. A person in this stage realizes a problem may exist and is willing to change it. Resolving this ambivalence and enforcing motivation is the key to positive change and the person's reasons to change must be reinforced. Should any portion of the Defendant's sentence be served in the community, the criminogenic needs identified by the Level of Service Inventory –Revised [LSI-R], place the Defendant in the employment module. However, in the case of a sex offender other assessment tools are used in addition to the LSI-R to determine risk to reoffend, which are administered by certified treatment providers. Any transition plan developed for this Defendant to address problem behavior should include sex offender treatment as required by law with a certified treatment provider, which would include risk assessment and polygraphs.

**SUMMARY:** Before the court is a fifty year-old female facing her first felony conviction of record.

**OFFENSE:** The Defendant pled guilty to, PT-CF-2011-693A, Manufacturing Juvenile Pornography (8 counts), Conspiracy to Manufacture Juvenile Pornography, Distribution of Child Pornography, Aggravated Possession of Child Pornography, Possession of Juvenile Pornography (2 counts) and Lewd Molestation (10 Counts) in which she manufactured photographs and or videos of minors under the age of 18 for the sexual gratification of the Defendants.

**COMMUNITY:** The nature of the crime indicates a disregard for the safety and well being of others with risk factors to the community at large.

**DEFENDANT:** The Defendant is currently unemployed. Prior to the Defendant's arrest she resided with her husband and their daughter at 4312 Faith Boulevard Shawnee, Oklahoma. The Defendant was compliant during this investigation and provided as much documentation as possible.

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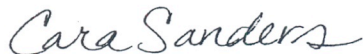
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In accordance with Title 22, Oklahoma State Statutes, Section 982, the Court may order the Defendant to pay a fee to the Department of Corrections not to exceed two hundred fifty dollars (\$250.00) for the pre-sentence investigation.

**RECOMMENDATION:** Based upon the background information compiled during this investigation and the seriousness of the charges, it is respectfully recommended that the Defendant, **KIMBERLY ANN CRAIN**, be sentenced to a term of incarceration with the Department of Correction as prescribed by the Court.

Respectfully submitted,



Cara Sanders  
Probation and Parole Officer  
Southeast District Community Corrections  
800 East Jefferson  
Shawnee, Oklahoma 74801  
(405) 275-2521

Reviewed by,



Steve McDoulett  
Team Supervisor