

2018 – S 2490

=====
LC004947
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

SENATE RESOLUTION

EXPELLING NICHOLAS D. KETTLE, SENATOR FOR DISTRICT 21, FROM THE RHODE ISLAND SENATE PURSUANT TO R.I. CONSTITUTION ARTICLE VI, SECTION 7

Introduced By: Senators Ruggerio, Algieri, McCaffrey, Goodwin, and Lynch Prata

Date Introduced: February 15, 2018

Referred To: Senate Judiciary

1 WHEREAS, The qualified electors of Rhode Island Senate District 21 elected Nicholas D.
2 Kettle to the State Senate in 2010, 2012, 2014 and 2016; and Mr. Kettle is the current and duly
3 elected Senator for District 21; and

4 WHEREAS, The Rhode Island Constitution Article IV Section 9 authorizes the General
5 Assembly to promulgate laws requiring candidates for elected office to report their campaign
6 finances; and the General Assembly authorized and empowered the Rhode Island Board of
7 Elections to perform any duties necessary to implement the provisions of Chapter 25 of Title 17,
8 including compliance audits of campaign finance reports; and

9 WHEREAS, During an audit of Mr. Kettle's 2013 through 2017 campaign funds, many
10 violations of Rhode Island Campaign Finance law were found to exist, including, the failure to
11 report \$15,345.70 in campaign contributions and \$16,316.05 in campaign expenditures; failure to
12 appoint a campaign Treasurer; failure to identify cash contributors; failure to maintain proper
13 receipts and files; and several other violations; and

14 WHEREAS, On December 7, 2017 Mr. Kettle admitted wrongdoing and consented to fines
15 and penalties, see Exhibit A attached hereto and incorporated by reference, totaling Six Thousand
16 Dollars levied against his campaign fund and him individually; and Mr. Kettle's transgressions were
17 widely reported in the local media; and

18 WHEREAS, On January 16, 2018, the Rhode Island State Police effectuated a search
19 warrant at Mr. Kettle's residence, confiscating his personal computer and his cellphone; and later

1 that day the Rhode Island State Police confirmed that Mr. Kettle was the subject of an active
2 investigation; and the nature of the active investigation was widely reported to involve surreptitious
3 photographs taken by Mr. Kettle of a female without her consent; and

4 WHEREAS, Mr. Kettle was absent from the Senate Chamber on January 16, January 17
5 and January 18, 2018; and during Mr. Kettle's absence the local media's coverage of the active
6 investigation included seeking comments from Members of the Senate Chamber and the publishing
7 of photographs of Mr. Kettle's empty chair during Session; and

8 WHEREAS, During the week of February 5, 2018, the Rhode Island State Police
9 questioned Mr. Kettle on an unknown matter; and

10 WHEREAS, On February 14, 2018, it was reported that the active investigation of Mr.
11 Kettle had expanded to include the Senate Page program, a paid internship program for students
12 ages fifteen to twenty-one; and Mr. Kettle's presence in the Chamber on that afternoon and at the
13 next day's Session again brought unwanted media coverage to the Chamber, including a local
14 newspaper interviewing members of the Senate Page program; and

15 WHEREAS, On Friday, February 16, 2018, the Rhode Island State Police arrested Mr.
16 Kettle on one count of video voyeurism, see Exhibit B attached hereto and incorporated by
17 reference, and two counts of extortion pursuant to a Grand Jury Indictment, see Exhibit C attached
18 hereto and incorporated by reference; and Mr. Kettle's arrest was reported throughout the United
19 States, including the Associated Press, the U.S. News and World Reports and the New York Times;
20 and

21 WHEREAS, Mr. Kettle was brought to the state prison, the Rhode Island Adult
22 Correctional Institutions, on Friday, February 16, 2018 and held over the weekend until his
23 arraignment on February 19, 2018; and

24 WHEREAS, On February 19, 2018, Mr. Kettle was arraigned on two counts, alleging:
25 "[Kettle] did by verbal communication, maliciously threaten injury to the person or reputation of
26 [name of a then sixteen year old Senate Page], with the intent to compel [the minor] to do an act
27 against his will, to wit, engage in sexual penetration, in violation of §11-42-2 of the Rhode Island
28 General Laws."; and

29 WHEREAS, The standard of ethical conduct by a Member of the General Assembly is
30 written in Article III Section 7 of the Rhode Island Constitution: "The people of the State of Rhode
31 Island believe that public officials and employees must adhere to the highest standards of ethical
32 conduct, respect the public trust and rights of all persons, be open, accountable and responsive,
33 avoid the appearance of impropriety and not use their position for private gain or advantage. Such
34 persons shall hold their positions during good behavior."; and

1 WHEREAS, This Senate is empowered by the Rhode Island Constitution Article VI,
2 Section 7 to "[D]etermine its rules of proceeding, punish contempts, punish its members for
3 disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second
4 time for the same cause"; and

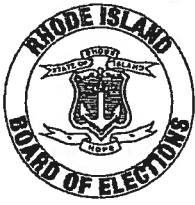
5 WHEREAS, Notwithstanding in the one hundred and sixty-five years since the adoption
6 of the Rhode Island Constitution that the General Assembly has not invoked its power to expel a
7 Member; and due to the pattern of bad behavior exhibited by Mr. Kettle; and due to the alleged
8 criminal behavior towards a minor member of the Senate Page program; and due to the repugnant
9 nature of the allegations of his behavior; and due to this Senate's responsibility to provide a safe
10 work environment to the existing members of the Senate Page program; due to the appearance of
11 impropriety by a Member of this Senate; and due to Mr. Kettle's failure to adhere to the highest
12 standards of ethical conduct; now, therefore be it

13 RESOLVED, That this Senate of the State of Rhode Island and Providence Plantations
14 hereby expels Nicholas D. Kettle, of District 21, effective immediately; and be it further

15 RESOLVED, That the Secretary of the Senate is hereby ordered to remove Mr. Kettle's
16 name from all legislation currently before the Senate for consideration; and be it further

17 RESOLVED, That the Rhode Island Public Safety Department is instructed to immediately
18 arrange for Nicholas D. Kettle to surrender his Senate Identification and Badge; his building and
19 office keys; his parking pass; and, his issued Senate license plates.

=====
LC004947
=====



STATE OF RHODE ISLAND BOARD OF ELECTIONS

CAMPAIGN FINANCE AUDIT

SENATOR NICHOLAS D. KETTLE

CAMPAIGN FINANCE AUDIT



Audit Conducted By: Richard E. Thornton, Director of Campaign Finance

STATE OF RHODE ISLAND
BOARD OF ELECTIONS

Richard Dubois, Chair
Diane C. Mederos, Vice-Chair
Richard H. Pierce
William West
Stephen P. Erickson
Isadore S. Ramos, PhD
David H. Sholes

Robert Rapoza
Executive Director

Richard E. Thornton
Director of Campaign Finance



50 Branch Avenue
Providence, Rhode Island 02904
(401) 222-2345 (401) 222-4424 FAX

www.elections.ri.gov
Email: campaign.finance@elections.ri.gov

NICHOLAS D. KETTLE

TABLE OF CONTENTS

Introduction4
Scope5
Methodology5
History5
Findings6
Summary7
Action7

NICHOLAS D. KETTLE

INTRODUCTION

Audit Authority

Pursuant to Rhode Island General Law §17-25-5(a)(8), the Board of Elections is authorized to perform any duties that are necessary to implement the provisions of Chapter 25 of Title 17. Without limiting the generality of this provision, the Board is authorized and empowered to: Conduct compliance reviews and audits of campaign accounts as necessary, and in a manner consistent with the provisions of Chapter 25, Title 17.

Audit Purpose

Campaign Finance audits assist the Board of Elections with enforcement of campaign finance laws, provides a tool to evaluate the effectiveness of those laws and the campaign finance reporting process, verifies the accuracy and propriety of campaign finance receipts and validity and legality of campaign finance expenses and helps provide timely and accurate information to the public.

Campaign Finance audits assist and encourage candidate compliance with campaign finance reporting laws and promotes candidate accountability and integrity.

NICHOLAS D. KETTLE

Scope: Review campaign finance reports and supporting documentation for the period January 1, 2013 through June 30, 2017.

Methodology: Review Contributions:

- Compare contributions received to bank statement deposits
- Compare contributions received to contributions reported on campaign finance reports
- Verify there are no prohibited contributions
- Verify contributions do not exceed aggregate annual limit

Review Expenditures:

- Compare expenditures made to bank statement checks/debits
- Compare expenditures made to expenditures reported on campaign finance reports
- Verify there are no prohibited uses of campaign funds
- Verify campaign expenditures are valid and legal.

History: In September 2017, the Board of Elections ("Board") conducted a preliminary review of campaign finance reports filed by Senator Nicholas D. Kettle ("Kettle") and noted unreported or misreported contributions on campaign finance reports he filed with the Board.

On September 18, 2017, the Board requested an audit of Senator Kettle's campaign account pursuant to R.I.G.L. §17-25-5(a) for the period January 1, 2013 through June 30, 2017.

NICHOLAS D. KETTLE

Findings: The following are findings from the audit:

1. For 2013:

- Contributions reported to the Board totaled \$3,860.00; while contributions deposited in the bank totaled \$6,265.00; resulting in \$2,405.00 unreported contributions.
- Accepted \$215.00 in anonymous cash contributions.
- Accepted \$200.00 cash over the allowable limit from identified contributors.
- Cash withdrawals and cash out transactions with no receipts to validate proper use of campaign funds totaled \$2,050.00.
- Expenditures reported to the Board totaled \$1,522.74, while expenditures from the bank totaled \$5,087.74, resulting in \$3,565.00 in unreported expenditures.

2. For 2014:

- Contributions reported to the Board totaled \$11,481.00; while contributions deposited in the bank totaled \$14,825.00; resulting in \$3,344.00 unreported contributions.
- Accepted \$316.00 in anonymous cash contributions.
- Accepted \$625.00 cash over the allowable limit from identified contributors.
- Cash withdrawals and cash out transactions with no receipts to validate proper use of campaign funds totaled \$60.00.
- Expenditures reported to the Board totaled \$13,288.21, while expenditures from the bank totaled \$16,258.52; resulting in \$2,970.31 unreported expenditures.

3. For 2015:

- Contributions reported to the Board totaled \$3,925.00; while contributions deposited in the bank totaled \$9,068.07; resulting in \$5,143.07 unreported contributions.
- Accepted \$648.00 in anonymous cash contributions.
- Accepted \$450.00 cash over the allowable limit from identified contributors.
- Cash withdrawals and cash out transactions with no receipts to validate proper use of campaign funds totaled \$100.00.
- Expenditures reported to the Board totaled \$1,296.00; while expenditures from the bank totaled \$5,150.15; resulting in \$3,854.15 unreported expenditures.

NICHOLAS D. KETTLE

Findings:

4. For 2016:

- Contributions reported to the Board totaled \$10,080.00; while contributions deposited in the bank totaled \$14,211.10; resulting in \$4,131.10 unreported contributions.
- Accepted \$725.00 in anonymous cash contributions.
- Accepted \$445.00 cash over the allowable limit from identified contributors.
- Expenditures reported to the Board totaled \$12,480.17, while expenditures from the bank totaled \$18,336.76, resulting in \$5,856.59 unreported expenditures.

5. For 2017:

- Contributions reported to the Board totaled \$0.00, while contributions deposited in the bank totaled \$322.53, resulting in \$322.53 unreported contributions.
- Accepted \$290.00 in anonymous cash contributions.
- Accepted \$150.00 cash over the allowable limit from identified contributors.
- Expenditures reported to the Board totaled \$365.00, while expenditures from the bank totaled \$435.00, resulting in \$70.00 unreported expenditures.

Summary:

For the Audit Review period January 1, 2013 through June 30, 2017:

- Contributions were under-reported by a total of \$15,345.70.
- Expenditures were under-reported by a total of \$16,316.05.
- Accepted anonymous cash contributions totaling \$2,194.00.
- Accepted cash over the allowable limit from identified contributors totaling \$1,870.00.
- Cash withdrawals and cash out transactions with no receipts to validate proper use of campaign funds totaling \$2,210.00.
- Failed to appoint a separate treasurer or deputy treasurer.

Action:

Consent Order

State of Rhode Island
Board of Elections

CONSENT ORDER

In Re: Nicholas D. Kettle

Nicholas D. Kettle ("Kettle") hereby agrees to the entry of this Order and to each term and condition set forth herein:

1. At all times relevant hereto, Mr. Kettle has been subject to the reporting requirements set forth in Title 17, Chapter 25 of the General Laws, pertaining to campaign contributions and expenditures.
2. In September 2017, the Board of Elections ("Board") conducted a preliminary review of campaign finance reports filed by Mr. Kettle when it noted unreported or misreported contributions on his campaign finance report filed with the Board, resulting in a request by the Board for bank records and supporting documentation for the period January 1, 2013 through June 30, 2017.
3. The Board conducted a full review of campaign finance reports, supporting documentation and bank records to verify the accuracy and propriety of campaign receipts and expenditures. The review determined Mr. Kettle originally failed to report the following:
 - 1) \$15,345.70 in Campaign Contributions; and
 - 2) \$16,316.05 in Campaign Expenditures.
4. The review determined Mr. Kettle failed to appoint a treasurer or deputy treasurer, who shall be a person other than himself and who shall examine all campaign records and certify to the substantial accuracy of each campaign finance report filed with the Board.

5. The review determined Mr. Kettle accepted cash contributions totaling \$2,194.00, for which neither the identities of the contributors nor the amount contributed by each contributor was obtained or documented.
6. The review determined Mr. Kettle accepted cash contributions from individuals in excess of their aggregate allowable limit totaling \$1,870.00.
7. The review determined Mr. Kettle made Cash Withdrawals and Cash Out transactions from his campaign bank account totaling \$2,210.00, for which no receipts were maintained to validate the proper use of the funds.
8. Mr. Kettle hereby acknowledges that from January 2013 through June 2017, he originally failed to report campaign contributions and campaign expenditures (as set forth in paragraph 3 above); failed to appoint a treasurer or deputy treasurer who shall be a person other than himself (as set forth in paragraph 4 above); accepted anonymous cash contributions (as set forth in paragraph 5 above); accepted cash contributions from individuals in excess of their aggregate allowable limit (as set forth in paragraph 6 above); and was unable to provide documentation to validate the proper use of campaign funds (as set forth in paragraph 7 above).
9. Mr. Kettle hereby waives his right to any further hearing before the Board, and his right to bring any legal challenge before any state or federal court and expressly consents to a finding by the Board that his actions, as more fully described above, violate the reporting requirements of Title 17, Chapter 25.
10. Mr. Kettle will at the direction of the Board of Elections, appoint a new campaign treasurer who will receive training on the Electronic Reporting and Tracking System and who will amend all previously filed reports to accurately report all contributions and expenditures, to become completed no later than December 31, 2017.
11. Mr. Kettle has at all times been cooperative with the Board of Elections and has timely responded to all inquiries. The Board has

determined that the candidate improperly failed to review expenditures, contributions and campaign reports.

12. Mr. Kettle further consents to the entry of this Order and the imposition of a fine in the amount of \$2,000.00 to be paid personally by him; consents to a forfeiture of campaign funds of \$1,000.00 to the State of RI for the acceptance of anonymous cash contributions; consents to a forfeiture of campaign funds of \$1,000.00 to the State of RI for the acceptance of cash contributions in excess of allowable limits; and consents to a forfeiture of campaign funds of \$2,000.00 to the State of RI for unreported contributions and expenditures and consents to submit documentation to the Board supporting his campaign finance reports from the present through the fourth quarter of 2018.

13. Mr. Kettle hereby agrees to make the following payments of forfeitures and fines to the Board:

- 1) \$4,000.00 forfeiture from the Nicholas D. Kettle's campaign account within thirty (30) days of the execution of this Consent Order; and
- 2) \$2,000.00 fine to be paid personally by Nicholas D. Kettle according to the following schedule:
 - \$500.00 on or before March 31, 2018;
 - \$500.00 on or before June 30, 2018;
 - \$500.00 on or before September 30, 2018; and
 - \$500.00 on or before December 31, 2018.

14. Mr. Kettle agrees to make each payment described above on or before the Due Date. In the event Mr. Kettle fails to make any payment by the corresponding Due Date, the Board shall notify Mr. Kettle both by U.S. Mail First Class and electronically at the residence and email address set forth below ("Delinquency Notice"). Mr. Kettle shall be afforded ten (10) calendar days from the date of the Delinquency Notice to make the overdue payment. In the event the aforesaid payment is not made within the ten (10) day notice period, Mr. Kettle agrees that the entire amount shall immediately become due and payable to the Board. Mr. Kettle consents to the personal jurisdiction and entry of this Order as a final judgment in the superior court and waives any and all defenses that ~~he~~ ^{PK} may have to its

enforcement and collection. In the event of a lawsuit filed to enforce any term or payment required by this Order, Mr. Kettle agrees to fully reimburse the Board for all costs and reasonable legal fees incurred as a result therefrom.

The fines and forfeitures contained herein relate only to the violations identified in this Order and do not cover any violations not listed.

I, Nicholas D. Kettle, agree to each and every term set forth above and further agree to the entry of this Order.

Nicholas D. Kettle 11/14/17
Nicholas D. Kettle Date

So entered this 6 of December, 2017.

Richard Dubois
Richard Dubois, Chairman



STATE OF
RHODE ISLAND
AND
PROVIDENCE
PLANTATIONS

AFFIDAVIT AND ARREST WARRANT

AFFIDAVIT							
AFFIANT Detective Robert Hopkins		AGENT OF Rhode Island State Police - Major Crimes Unit					
DEFENDANT Nicholas Kettle (alias: John Doe)		ADDRESS	NO.	STREET	CITY/TOWN	STATE	
			45	Barbs Hill Rd	Coventry	RI	
AFFIDAVIT							
Your affiant upon oath states that he has reason to believe and does believe that grounds for issuance of an arrest warrant exists and states that the following facts on which such belief is founded:							
PLEASE SEE ATTACHED AFFIDAVIT							
						If space is not sufficient, Check (X) here and X attach additional information	
				AFFIANT		X <i>[Signature]</i> #90	
SUBSCRIBED AND SWORN TO BEFORE ME AT (CITY/TOWN)		DATE	JUDGE OR DISTRICT COURT, JUSTICE OF SUPERIOR COURT OR ANY OTHER AUTHORIZED OFFICER				
Providence		2/5/18	X <i>[Signature]</i>				
ARREST WARRANT							
STATE EX REL	CITY/TOWN	COUNTY	DATE OF BIRTH	DIVISION	RHODE ISLAND DISTRICT COURT	WARRANT DATE	
	Coventry	Kent	10/18/1990	3rd		2/5/18	
VS. DEFENDANT Nicholas Kettle (alias: John Doe)		ADDRESS	NO.	STREET	CITY/TOWN	STATE	
			45	Barbs Hill Rd	Coventry	RI	
TO ANY AUTHORIZED OFFICER, Affidavit (and complaint) having been made to me under oath, and as I am satisfied that there is probable cause for the belief therein set forth that ground for issuing an arrest warrant exists, you are here-by commanded to arrest the defendant forth with and to bring him before a Judge of this court without unnecessary delay.							
\$	Surety	Date signed	JUDGE OR DISTRICT COURT, JUSTICE SUPERIOR COURT OR ANY AUTHORIZED OFFICER				
	with	2/5/18	X <i>[Signature]</i>				
RETURN OF SERVICE							
I have apprehended the within named defendant and have presented him/her before the court as herein commanded.							
SERVIC	MILEAGE	DATE OF RETURN	AUTHORIZED OFFICER				
\$	\$		X				

WHITE COPY-COURT YELLOW COPY-POLICE

A F F I D A V I T

I, Detective Robert J. Hopkins on oath depose to say:

That I am a sworn member of the Rhode Island State Police and have been continuously employed in this capacity for the past six (6) years. I am currently assigned to the Detective Bureau's Major Crimes Unit and my duties include investigating all types of crimes in violation of the General Laws of the State of Rhode Island.

This affidavit is in support of a request for the issuance of a court authorized arrest warrant for the arrest of Nicholas Kettle, DOB: 10/18/1990, of 45 Barbs Hill Road, Coventry, Rhode Island, in relation to an ongoing Video Voyeurism investigation.

On Sunday, January 14, 2018 at approximately 2:10PM, Troopers working the front office at the State Police Hope Valley Barracks took a complaint from [REDACTED] 1990 and her father, [REDACTED] stated that she has known Mr. Nicholas Kettle, DOB: 10/18/1990, since 2014 and they have been in a romantic relationship since November of 2015. [REDACTED] stated that they are not currently living together but Mr. Kettle stays with [REDACTED] at her family's residence at [REDACTED] Coventry, Rhode Island on Friday nights, when [REDACTED] comes home from graduate school in Massachusetts. Ms. [REDACTED] stated that on the morning of Saturday, January 13, 2018 she was with Mr. Kettle at her house.

At approximately 10:15AM, Mr. Kettle left the house to meet his friends for breakfast. Ms. [REDACTED] advised that Mr. Kettle goes through her cell phone frequently, so she decided to go through his Apple iPad, which he had left at her house. She further advised that his iCloud account connected both, Mr. Kettle's iPhone and iPad and she was able to see text messages and photographs that were stored on both devices. As [REDACTED] went through Mr. Kettle's iPad, she observed approximately seven (7) photographs of herself being exchanged through iMessage on Mr. Kettle's Apple iPad. [REDACTED] stated the photographs were all nude photographs of her while she was laying on her bed, getting undressed, and bending over. In all the photographs, she was looking in the opposite direction of the camera. These photographs of [REDACTED] were taken when her breasts and vagina were exposed. She believed the photographs were taken when she stayed

at a hotel in Hampton Beach with Mr. Kettle. The other photographs appeared to be taken in her bedroom at her home in Rhode Island. [REDACTED] was certain that she had no knowledge when these photographs were being taken and never gave consent to Mr. Kettle to take these nude photographs.

As [REDACTED] continued to go through Mr. Kettle's Apple iPad, she noticed these photographs were exchanged through iMessage with an individual who she believed to be Zachary Brennan. [REDACTED] stated that she believed the photographs to be exchanged between Mr. Kettle and Mr. Brennan were from approximately August 2017 to December of 2017. [REDACTED] stated that she and Mr. Brennan have been acquaintances for approximately five (5) years and met through mutual friends. She stated that they were never in a romantic relationship with each other and haven't talked in years. [REDACTED] believed that Mr. Kettle and Mr. Brennan have been friends for some time and initially met in the Boy Scouts. She believed Mr. Brennan to currently reside in New Hampshire. [REDACTED] further advised me that she saw photographs of another woman who she believed to be Mr. Brennan's wife in the iMessage exchange with Mr. Kettle. These photographs were also described to be sexual in nature. In the pictures, the unidentified female was also nude. [REDACTED] did not know if the photographs of the unidentified female were consensual.

When [REDACTED] observed these photographs, she took screen shots on the Apple iPad of the iMessages which contained the nude photographs. [REDACTED] contacted Mr. Kettle immediately via telephone to confront him about the photographs. Mr. Kettle became extremely apologetic, started to cry, and say that he was sorry. [REDACTED] then ended the phone call and advised her father of the incident. [REDACTED] has not had any further contact with Mr. Kettle and has since blocked his number and other accounts on social media.

[REDACTED] further stated that she has never given permission to Mr. Kettle to take any nude photographs as well as any videos of her. She also did not send Mr. Kettle these photographs. [REDACTED] stated that Mr. Kettle's Apple iPad is solely his, but he and [REDACTED] share each other's passwords on their electronic devices. [REDACTED] brought the Apple iPad with her to the barracks and provided the password to unlock it.

Detective Corporal Palumbo obtained a formal tape-recorded statement from [REDACTED] who re-iterated the above. Corporal Palumbo was further advised that the text communications between Mr. Kettle and Mr. Brennan were sexually explicit as they spoke about sexual experiences with the women, inquired about having sex with the two women, and shared images of their genitals. There were also communications involving if it would be possible to record the girls. [REDACTED] advised she has been emotionally unstable after learning there may be images and videos of her sent by Mr. Kettle.

On Tuesday, January 16, 2018, Detectives responded to Mr. Kettle's residence and executed a search warrant. Mr. Kettle's iPhone was located and seized. Pursuant to a search warrant, members of the Computer Crimes Unit conducted a forensic analysis of Mr. Kettle's iPad and iPhone. Your affiant examined the data extracted from Mr. Kettle's iPad, which revealed text messages and images which supported the statement provided by [REDACTED]. Mr. Kettle's iPad contained numerous images which depicted [REDACTED] naked, all of which appeared she was unaware she was being photographed. Further examination revealed naked images of an unidentified female, all of which the female appeared to be unaware of the camera. An examination of the iPad's messages revealed numerous communications between Mr. Kettle and phone number [REDACTED] starting in August of 2017. It should be noted that the user of this phone number was previously identified by [REDACTED] as Zachary Brennan. In the communications, Mr. Kettle and Mr. Brennan discussed performing sexual acts on each other's female partners. Mr. Kettle proposed that Mr. Brennan participate in sexual intercourse with both he and [REDACTED]. Mr. Kettle and Mr. Brennan then exchanged the aforementioned images of the naked women. Mr. Kettle and Mr. Brennan also exchanged images of their own genitals. Mr. Kettle and Mr. Brennan additionally discussed taking videos of the women while they perform sexual acts. Mr. Kettle stated that he needed to be "stealthy" and was asking Mr. Brennan for advice on how to take a video without [REDACTED] knowing. In several other instances, Mr. Kettle communicated with Mr. Brennan via iMessage. Both Mr. Kettle and Mr. Brennan referenced having taken additional videos and images of their female partners. The conversation additionally indicated that the women were unaware of the men taking the videos and images.

An examination of Mr. Kettle's iPhone revealed it was connected to the same iCloud account as his iPad. This meant that any iMessage communications on one device would be mirrored on the other. Your affiant compared the iMessages between Mr. Kettle's iPhone and

iPad and found them to match by dates, times, and content. It should be noted that none of the iMessages between Mr. Kettle and Mr. Brennan were located on Mr. Kettle's iPhone. This is an indication that the specific iMessages with Mr. Brennan were deleted from the phone. Additionally, Mr. Kettle's iPhone contained videos where he appeared to be discreetly positioning his camera in order to film his bed. In the videos, Mr. Kettle set up the camera, got on the bed, and motioned sexual activity.

On Wednesday, January 25, 2018, Lieutenant Creamer, Detective Vinton, and members of the New Hampshire State Police Major Crimes Unit, executed a search warrant at the residence of Mr. Brennan, 542 Hogg Hill Road Springfield, New Hampshire. Detectives seized multiple electronic devices, pursuant to a State of New Hampshire search Warrant. Mr. Brennan provided a statement to Rhode Island State Police Detectives, admitting that he exchanged naked images of Mrs. Brennan, his wife, with Mr. Kettle. Mr. Kettle in return sent Mr. Brennan naked images of [REDACTED]

From information obtained through but not limited to the above investigation, your affiant believes there is probable cause that Nicholas Kettle, for the purpose of sexual arousal, gratification, or stimulation, did use an imaging device to capture and transmit visual images of the intimate areas of [REDACTED] without her knowledge and consent, in violation of Rhode Island General Laws 11-64-2; Video Voyeurism.

Your affiant requests that an arrest warrant be issued for Nicholas Kettle DOB 10/18/1990 for one (1) count of Video Voyeurism.

2/5/18


Date

[Signature] #90

Affiant

In Providence this 5th day of February, 2018, before me personally came Robert J. Hopkins and made oath to the truth of the foregoing.

[Signature]
Judge of the District Court

DISTRICT COURT NO.		COURT DIVISION 3rd	POLICE NO. 18R1X1-34-WA		 STATE OF RHODE ISLAND DISTRICT COURT CRIMINAL COMPLAINT
STATE EX REL	VS. DEFENDANT (NAME and ALIAS) NICHOLAS KETTLE Alias- J. Doe				
DEFENDANT ADDRESS AND PHONE 45 BARBS HILL RD COVENTRY RI 401-473-7784 STREET CITY STATE PHONE					
DEF. D.O.B. 10/18/1990	DEF. BCI NO.	DEF. SOC. SEC. NO.	DEF. M.V. LIC. NO.	DETERMINE ATTY DATE	PRE TRIAL DATE
OFFENSE DATE 01/13/2018	<input type="checkbox"/> DIVERS DATE	OFFICER/COMPLAINANT Detective ROBERT J HOPKINS		PRE-ARRAIGN CONF DATE	TRIAL DATE
POLICE DEPT/COMPLAINANT ADDRESS Rhode Island State Police Headquarters, 311 Danielson Pike				SUPERIOR CT ARRAIGN DATE	MISC DATE/BAIL HRG/CONTROL

TO ANY JUDGE OR JUSTICE OF THE PEACE: ON BEHALF OF THE STATE I SWEAR THAT THE ABOVE DEFENDANT DID COMMIT THE FOLLOWING OFFENSES:

OFFICER/COMPLAINANT: *[Signature]* #70 DATE: 2/5/18 SWORN TO BEFORE JUDGE/JUSTICE OF THE PEACE: DATE: 2/5/18

INITIAL APPEARANCE

APPEARANCE DATE: \$ BAIL FOR ALL ACCOUNTS: \$ ARRAIGNMENT DATE: JUSTICE OF THE PEACE:

ARRAIGNMENT

ARRAIGNMENT DATE: ADVISED OF RIGHTS: YES NO JURY TRIAL WAIVED: YES NO PLEA COUNT 1: PLEA COUNT 2: PLEA COUNT 3:

BAIL FOR ALL COUNTS: \$ ATTORNEY NAME: PRIVATE COURT APPT P.D. JUDGE/JUSTICE OF THE PEACE:

COUNT 1 STATUTE(S) VIOLATED: 11-64-2 (A) FELONY MISDEMEANOR VIOLATION ORDINANCE

Video Voyeurism

"For the purpose of sexual arousal, gratification, or stimulation, Nicholas Kettle DOB 10/18/1990, did use an imaging device to capture and transmit visual images of the intimate areas of [REDACTED] without her knowledge and consent, in violation of §11-64-2."

DISPOSITION: DISMISSAL GUILTY PLEA NOLO PLEA GUILTY FINDING NOT GUILTY FINDING CASE FILED 1 YEAR INFO/TRUE BILL NO INFO/NO TRUE BILL OTHER

SENTENCE IMPOSED:

PROCEEDING: ARRAIGN PRE TRIAL TRIAL OTHER APPEAL TAKEN: JUDGE: DATE:

COUNT 2 STATUTE(S) VIOLATED: FELONY MISDEMEANOR VIOLATION ORDINANCE

DISPOSITION: DISMISSAL GUILTY PLEA NOLO PLEA GUILTY FINDING NOT GUILTY FINDING CASE FILED 1 YEAR INFO/TRUE BILL NO INFO/NO TRUE BILL OTHER

SENTENCE IMPOSED:

PROCEEDING: ARRAIGN PRE TRIAL TRIAL OTHER APPEAL TAKEN: JUDGE: DATE:

COUNT 3 STATUTE(S) VIOLATED: FELONY MISDEMEANOR VIOLATION ORDINANCE

DISPOSITION: DISMISSAL GUILTY PLEA NOLO PLEA GUILTY FINDING NOT GUILTY FINDING CASE FILED 1 YEAR INFO/TRUE BILL NO INFO/NO TRUE BILL OTHER

SENTENCE IMPOSED:

PROCEEDING: ARRAIGN PRE TRIAL TRIAL OTHER APPEAL TAKEN: JUDGE: DATE:

VICTIM(S) NOTIFIED: ARRAIGNMENT PRE TRIAL TRIAL VICTIM(S) APPEARED: ARRAIGNMENT PRE TRIAL TRIAL CASE TYPE: DOMESTIC VIOLENCE IMMEDIATE APPEAL TAKEN: DATE: JUDGE:

ADDITIONAL COUNTS ATTACHED: N

IN THE SUPERIOR COURT FOR THE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PROVIDENCE COUNTY

STATE OF RHODE ISLAND

vs.

INDICTMENT NO: P1/18-0377A

NICHOLAS KETTLE
alias John Doe

The Grand Jury of the State of Rhode Island and Providence Plantations charges:

COUNT 1

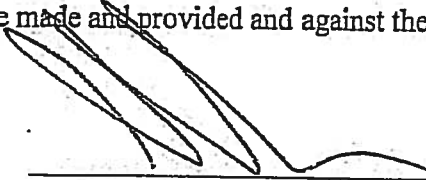
That NICHOLAS KETTLE, alias John Doe, of Kent County, on a day between January 1, 2011 and July 31, 2011, the exact date unknown to the grand jurors, in Providence, in the County, did by verbal communication, maliciously threaten injury to the person or reputation of [REDACTED], with the intent to compel [REDACTED] to do an act against his will, to wit, engage in sexual penetration, in violation of §11-42-2 of the Rhode Island General Laws.

COUNT 2

That NICHOLAS KETTLE, alias John Doe, of Kent County, on a day between January 1, 2011 and July 31, 2011, the exact date unknown to the grand jurors, in Providence, in the County, did by verbal communication, maliciously threaten injury to the person or reputation of [REDACTED], with the intent to compel [REDACTED] to do an act against his will, to wit, engage in sexual penetration, in violation of §11-42-2 of the Rhode Island General Laws.

Against the form of the statute in such case made and provided and against the peace and dignity of the State.

FUR


STACEY P. VERONI
Assistant Attorney General
Designated by the Attorney General