

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS

STATE OF ARKANSAS

PLAINTIFF

VS:

FILED

BARRY GEBHART
W/M; 12/06/1962

2013 OCT 23 PM 2 06

DEFENDANT

BRENDA DESHIELDS
CLERK AND RECORDER
BENTON COUNTY, AR.

AFFIDAVIT OF PROBABLE CAUSE TO OBTAIN BOND

Comes now, Detective Glenn Latham of the Benton County Sheriff's Office, Narcotics Investigation Division, and under oath doth state:

After an extensive investigation, Defendant Barry Gebhart, was arrested on October 22, 2013, for Internet Stalking of a Child, in violation of AR Statute 5-27-306, a Class A Felony.

The facts of this investigation are as follows:

On October 6th, 2013, Detective Glenn Latham with the Benton County Cyber Crimes Division observed a posting made by Barry GEBHART on a social media application called "WHISPER" and initiated an undercover investigation. Between the dates of October 6th, 2013 and October 22nd, 2013, while utilizing the application on a smart phone, Detective Latham, acting in an undercover capacity, interacted with GEBHART who represented himself as an educator (teacher). It should be noted GEBHART used the display name of "BigDog" on the "WHISPER" application.

Detective Latham, posing as a 14 year old female, exchanged text messages and photographs with GEBHART during the more than two weeks on a daily basis. GEBHART suggested meeting with the 14 year old on more than one occasion, culminating in meeting on Tuesday night, October 22nd, 2013.

During the initial "chat" with GEBHART, he asked the Detective Latham, posing as a fictional child, how old "she" was. The fictional child responded 14 and GEBHART then asked for a photograph.

During the chats between the fictional child and GEBHART, GEBHART made several sexual comments, sent a photograph of his penis as well as several facial photographs, and requested a photograph of the girls breasts.

GEBHART at one point supplied the Detective Latham with his "KIK" user ID which would be used later in the investigation to have further contact with GEBHART.

Detective Latham, utilizing his law enforcement contacts, was able to identify the subject in the photographs as Barry GEBHART, the Athletic Director for the Fayetteville High

School. Detective Latham contacted his chain of command and advised them of the investigation he had initiated and was advised to continue the investigation.

On several occasions, while chatting with GEBHART on the social media app "WHISPER," he would repeatedly ask what the fictional child was wearing and ask for photographs of the fictional child.

During ensuing conversations, GEBHART was again told the fictional girl's age by Detective Latham stating she was "almost 15" and had never done anything. Detective Latham advised GEBHART that the fictional child was a virgin and the subject offered to "teach" the fictional child how to have sex. GEBHART even advised he could tutor the fictional child in school work. The fictional child often referred to what she could or could not do because her mom was home.

On October 7th, GEBHART was advised the fictional child was going to the Rogers Promenade Mall. GEBHART suggested he could meet the fictional child there. Detective Latham, as the fictional child, agreed to the meeting and Detective Michael Lira, Detective Greg Stevenson, Sergeant Dennis Schumacher and Detective Latham went to the Rogers Promenade Mall to attempt to locate the subject. The known vehicle of the suspect was never observed and he did not respond to anymore messages on this date. He did, however, respond the following morning.

During the following two weeks, the same types of conversations took place between the fictional child and GEBHART. He stated numerous times how he wanted to have sex with the girl and asked for photographs. GEBHART was sexually explicit in his description of what he wanted to do to and with the girl. GEBHART would send photographs to the fictional child when requested. Most appeared to be taken in an office setting.

A subpoena was sent to "WHISPER." The results showed several posts by the same subject, now confirmed as GEBHART, making references to skimpily clad girls wearing plaid miniskirts, like a school girls uniform. One referred to a girl he had in class that day, stating he could see up her skirt.

The subpoena from "WHISPER" revealed GPS coordinates of the subject posting. The GPS coordinates were near the Fayetteville High School and near GEBHART's residence at 6296 Persimmon Street in Fayetteville.

October 9th was the last message received from GEBHART on the application "WHISPER." The suspect had provided Detective Latham his contact name on a different application, "KIK", during the first conversation. When the Detective Latham received no response to messages on "WHISPER," he logged into "KIK" as the fictional child and sent a message simply stating "hay its me". The suspect responded almost immediately with "Hi baby." The fictional child asked him where he had went, referring to "WHISPER," and the suspect stated "I haven't been able to send or receive PM's on whisper for two days," thus confirming it was GEBHART. This contacted occurred on "KIK" on Friday, October 11th, 2013 at 8:55 AM.

As the chatting between GEBHART and Detective Latham continued, GEBHART continued to speak sexually towards the fictional child, even though Detective Latham reiterated the age of the fictional child as 14. Detective Latham even went so far as to state she was going to get her permit the week of her birthday, 10/21/2013.

On Tuesday, October 22nd, GEBHART contacted the fictional child and stated that he was going to the Bentonville Mall and when Detective Latham, as the fictional child, responded she was as well, GEBHART asked "Can I see u," referring to wanting to meet with the fictional child.

When Detective Latham and Sergeant Schumacher arrived at the Dillards location in the mall and parked, Detective Latham sent a message to GEBHART at 6:47 PM stating " k I here." GEBHART responded with "Really". Detective Latham noticed a small black SUV, which had been parked at the very end of the Dillard's parking lot by the loading dock, start, turn its lights on and start driving towards Dillards.

While continuing to chat with GEBHART, Detective Latham noticed the same black SUV circle Dillards numerous times. Detective Latham and Sergeant Schumacher moved from the back side of Dillards to the front of the mall store entrance and parked observing the glass doors where he was advised the female would be. Detective Latham observed the black SUV again drive in front of the Dillards and the driver was looking into the glass doors. Detective Latham was able to identify GEBHART in the vehicle.

Detective Latham and Sgt. Schumacher, along with Detective Stevenson and Detective Diehl, who were in a separate vehicle, started following the SUV which again circled the Dillards store. On the last pass, the SUV slowed and the driver appeared to be looking into the Dillards store through glass doors again. Sgt. Schumacher advised to go ahead and stop the vehicle and make contact.

A traffic stop was initiated as the SUV, with us following, attempted to leave the parking lot. The vehicle was stopped at Rife and Promenade where we made contact with the GEBHART who was the driver.

GEBHART was removed from the vehicle, arrested, handcuffed and transported to the Benton County Sheriff's Office where he was interviewed. GEBHART was advised of his Miranda Warning by Detective Latham. GEBHART signed the form stating he understood his rights.

While questioning GEBHART, he admitted he had come to meet the underage girl, admitted he knew she was underage and he had made a big mistake, he was going to lose his wife, his job and his daughter. The interview was audio and video recorded and is a part of this case file.

GEBHART admitted during the interview to making the post on "WHISPER" and stated he believed the girl was probably the first one he had chatted with on "WHISPER". GEBHART further admitted to chatting with several women, even meeting several for sexual encounters.

When asked if he had met with any other underage girls GEBHART denied doing so. He did admit to texting with a girl from Fayetteville High School who was a senior, but stated once he discovered she attended FHS, stopped the conversation.

GEBHART further admitted to receiving photos from girls, nudes, but stated he did not solicit for them. When I asked him if there would be photos of underage girls on his phone, he stated he immediately deleted them when he received them and then started asking for non-nudes.

GEBHART stated he has chatted on several applications over the years, including Yahoo, Yahoo Chat, "KIK," and the most recent of "WHISPER." "KIK" and "WHISPER" are computer applications which run on smart phones or tablets.

GEBHART expressed his disappointment in himself and stated he did not deserve sympathy.

GEBHART stated he was the Athletics Director for the Fayetteville High School, had been employed by Fayetteville High School for thirty years and had never had any contact with any of the students he taught.

A review of **GEBHART's** criminal history revealed no prior arrests.

Based on the crime, the subject position as a teacher/authority figure over juveniles, the likelihood of conviction, and the possible severity of the penalty that could be imposed, the state joins me in requesting that **BARRY GEBHART, W/M DOB: 12/6/1962**, be given a bond in the amount of \$75,000.00 for the above listed offense.

Detective Glenn Latham
Benton County Sheriff's Office
Cyber Crimes Unit

STATE OF ARKANSAS
COUNTY OF BENTON

Subscribed and sworn to before me this 23rd day of Oct, 2013

NOTARY PUBLIC

MY COMMISSION EXPIRES: 07-03-2023

APPROVED:

Stuart Cearley, Deputy Prosecuting Attorney, by email.

