

STATE OF INDIANA)
) SS:
COUNTY OF RED)

IN THE RED CIRCUIT COURT
CAUSE NO.: 99C011209FB106

STATE OF INDIANA)
)
VS.)
)
JAMES W. McCORD)
W/M, DOB: 10-31-64)

INFORMATION

COUNT I
BURGLARY
CLASS B FELONY
I.C. 35-43-2-1

COUNT II
THEFT
CLASS D FELONY
I.C. 35-43-4-2

COUNT III
BURGLARY
CLASS B FELONY
I.C. 35-43-2-1

COUNT IV
THEFT
CLASS D FELONY
I.C. 35-43-4-2

COUNT V
THEFT
CLASS D FELONY
I.C. 35-43-4-2

COUNT VI
BURGLARY
CLASS B FELONY
I.C. 35-43-2-1

COUNT VII
ATTEMPTED THEFT
CLASS D FELONY
I.C. 35-41-4-1
I.C. 35-43-4-2

On this date, Detective Thomas Dewey came before the Prosecuting Attorney of the 99th Judicial Circuit and being duly sworn (or having affirmed) stated that in Red County, Indiana:

COUNT I

On or about July 3, 2012, James W. McCord did break and enter the building or structure of another person, that is: the residence of Bernard Barker, with the intent to commit a felony in it, that is: Theft;

COUNT II

On or about July 3, 2012, James W. McCord did knowingly exert unauthorized control over property, that is: United States currency and two (2) handguns, belonging to another person, that is: Bernard Barker, with the intent to deprive Bernard Barker of any part of the value or use of such property;

COUNT III

On or about July 3, 2012, James W. McCord did break and enter the building or structure of another person, that is: Charles Watson and Susan Atkins, with the intent to commit a felony in it, that is: Theft;

COUNT IV

On or about July 3, 2012, James W. McCord did knowingly exert unauthorized control over property, that is: a television set and a laptop computer, belonging to another person, that is: Charles Watson, with the intent to deprive Charles Watson with any part of the value or use of such property;

COUNT V

On or about July 3, 2012, James W. McCord did knowingly exert unauthorized control over property, that is: two (2) necklaces, belonging to another person, that is: Susan Atkins, with the intent to deprive Susan Atkins of any part of the value or use of such property;

COUNT VI

On or about July 3, 2012, James W. McCord did break and enter the building or structure of another person, that is: the residence of Linda Kasabian, with the intent to commit a felony in it, that is: Theft;

COUNT VII

On or about July 3, 2013, James W. McCord did, with the intent to commit the crime of Theft, knowingly take a substantial step towards exerting unauthorized control over property belonging to another person, that is: Linda Kasabian, by opening drawers inside the residence of Linda Kasabian, with the intent to deprive Linda Kasabian of any part of the value or use of such property;

all of which is contrary to statute and against the peace and dignity of the State of Indiana.

I swear or affirm under penalty for perjury that the foregoing representations are true.

Date

Detective Thomas Dewey
Affiant

Subscribed and sworn to before me and approved by me on this 3rd day of September, 2012.

VINCENT BUGLIOSI, PROSECUTOR
RED COUNTY, INDIANA
99TH JUDICIAL CIRCUIT

STATE'S WITNESSES:

Detective Thomas Dewey
Deputy Jay Armes
Frank Sturgis
Bernard Barker
Charles Watson
Susan Atkins
Linda Kasabian
Red County Sheriff's Department Evidence Technicians
Indiana State Police Crime Lab Technicians
Steve Grogan
Joe Ruggerio
Sgt. Eugene Martinez

STATE OF INDIANA)
) SS:
COUNTY OF RED) CAUSE NO.: 99C011209FB106

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) W/M, DOB: 10-31-64
)

INFORMATION

COUNT VIII
HABITUAL OFFENDER
SENTENCE ENHANCEMENT
I.C. 35-50-2-8

On this date, Detective Thomas Dewey came before the Prosecuting Attorney of the 99th Judicial Circuit and being duly sworn (or having affirmed) stated that in Red County, Indiana:

COUNT VIII

On or about July 3, 2012, James W. McCord had accumulated at least two (2) prior unrelated felony convictions, including the following:

1. State of Michigan v. James W. McCord
In the Benton County District Court
Cause Number: 80-BC-921
Offense: Burglary, a Level 5 felony
Date of Offense: November 12, 1980
Date of Conviction: December 15, 1980

2. State of Indiana v. James W. McCord
In the Lake Superior Court – Criminal Division I
Cause Number: 45G018501CF00023
Offense: Carrying a Handgun Without a License, a Class C felony
Date of Offense: January 25, 1985
Date of Conviction: March 28, 1986

3. State of Indiana v. James W. McCord
In the St. Joseph Superior Court II
Cause Number: 71D028506CF0056
Offense: Burglary, a Class C felony
Date of Offense: June 3, 1985
Date of Conviction: April 5, 1986
4. State of Indiana v. James W. McCord
In the St. Joseph Superior Court II
Cause Number: 71D028506CF0057
Offense: Burglary, a Class C felony
Date of Offense: June 3, 1985
Date of Conviction: April 5, 1986
5. State of Indiana v. James W. McCord
In the St. Joseph Superior Court II
Cause Number: 71D028506CF0058
Offense: Burglary, a Class C felony
Date of Offense: June 5, 1985
Date of Conviction: April 5, 1986
6. State of Indiana v. James W. McCord
In the Marion Superior Court – Criminal Division 20
Cause Number: 49G209108FB156421
Offense: Dealing in Cocaine, a Class B felony
Date of Offense: August 21, 1991
Date of Conviction: July 10, 1992
7. State of Indiana v. James W. McCord
In the Red Circuit Court
Cause Number: 99C010210FC115
Offenses: Operating While Intoxicated, a Class D felony
Resisting Law Enforcement, a Class D felony
Date of Offenses: October 12, 2002
Date of Convictions: August 1, 2003
8. State of Indiana v. James W. McCord
In the Red Circuit Court
Cause Number: 99C010707FB071
Offense: Burglary, a Class B felony
Date of Offense: July 12, 2007
Date of Conviction: March 3, 2008

all of which is contrary to statute and against the peace and dignity of the State of Indiana.

I swear or affirm under penalty for perjury that the foregoing representations are true.

Date

Detective Thomas Dewey
Affiant

Subscribed and sworn to before me and approved by me on this 3rd day of September, 2012.

VINCENT BUGLIOSI, PROSECUTOR
RED COUNTY, INDIANA
99TH JUDICIAL CIRCUIT

STATE'S WITNESSES:

Clerk, Benton County District Court
Clerk, Lake Superior Court
Clerk, St. Joseph Superior Court
Clerk, Marion Superior Court
Clerk, Red Circuit Court
Keeper of the Records, Indiana Department of Correction
Keeper of the Records, Michigan Department of Correction
Indiana State Police Fingerprint Expert

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STATE OF INDIANA)
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INFORMATION

COUNT IX
CRIMINAL GANG
SENTENCE ENHANCEMENT
I.C. 35-50-2-15

On this date, Detective Thomas Dewey came before the Prosecuting Attorney of the 99th Judicial Circuit and being duly sworn (or having affirmed) stated that in Red County, Indiana:

COUNT IX

On or about July 3, 2012, James W. McCord did knowingly commit the offenses of Burglary (a Class B felony), as set forth in Count I, Count III, and/or Count VI of this Information, while a member of a criminal gang, that is: the Gladiator School Graduate (GSG) criminal gang, and in affiliation with a criminal gang, that is: the Gladiator School Graduate (GSG) criminal gang

all of which is contrary to statute and against the peace and dignity of the State of Indiana.

I swear or affirm under penalty for perjury that the foregoing representations are true.

Date

Detective Thomas Dewey
Affiant

Subscribed and sworn to before me and approved by me on this 3rd day of September, 2012.

VINCENT BUGLIOSI, PROSECUTOR
RED COUNTY, INDIANA
99th JUDICIAL CIRCUIT

PROBABLE CAUSE AFFIDAVIT

I, Red County Sheriff's Department Detective Thomas Dewey, being first duly sworn upon my oath, state as follows:

On July 3, 2012, at approximately 11:15 a.m., Red County Sheriff's Department Deputy Jay Armes was dispatched to 404 East Polanski Lane, Red County, Indiana, on a report of a possible burglary in progress. Located at that address is a four-unit apartment building, with two apartments on the ground floor and two apartments on the second floor. All four apartments have entry doors to the outside and each entry door has a long rectangular window located next to the entry door.

When Deputy Armes arrived at that location, he was met outside the building by Linda Kasabian, who stated that she lived in Apartment B, which was located on the first floor of the building, on the east side of the building. Linda Kasabian advised Deputy Armes that she was asleep in her bedroom when she awoke to the sound of glass breaking. Linda Kasabian advised that, although she was very frightened, she crept out of her bedroom and peeked around the corner, looking into the kitchen. At that time, Linda Kasabian saw a tattooed white male, standing at her refrigerator, with the door open and looking inside. The white male saw her and immediately ran out of the apartment. Immediately thereafter, Linda Kasabian called the police.

Deputy Armes had Linda Kasabian stand by his patrol car while he went inside her apartment to make certain that no one was inside. Deputy Armes swept the apartment and found it empty. Thereafter, Deputy Armes contacted Red County Sheriff's Department Detective Thomas Dewey to investigate the break-in.

Detective Dewey arrived at the apartment building at approximately 11:45 a.m. and spoke briefly with Linda Kasabian. Ms. Kasabian advised that her uncle, Frank Sturgis, owned the apartment building and lived in Apartment C, which is located on the second floor on the east side of the apartment building. Ms. Kasabian also stated that she did not know the man who was inside her apartment, but that he had tattoos all over his arms, face and neck.

Deputy Armes advised Detective Dewey that he had checked the entry doors of all four apartment units and that it appeared that three of the apartments had been broken into. Apartments A, B, and D all had broken windows next to the entry doors.

Detective Dewey and Deputy Armes went to Apartment C and spoke to the owner of the apartment building, Frank Sturgis. Mr. Sturgis advised that he did not know anything about any break-ins and explained that he was hard of hearing and was not wearing his hearing aids. Frank Sturgis advised Detective Dewey that a "young couple," Charles Watson and Susan Atkins, lived in the other upstairs apartment (Apartment D) and that Bernard Barker lived in the other downstairs apartment (Apartment A). Frank Sturgis believed that Charles Watson, Susan Atkins, and Bernard Barker were all at work.

Detective Dewey and Deputy Armes went to Apartment D, where Charles Watson and Susan Atkins resided. The officers observed that the glass window next to the entry door had been broken and that the entry door was partially open. Detective Dewey and Deputy Armes went inside Apartment D and found no one present. It appeared that there was a place inside the apartment where a big screen television set had been located, but was now missing.

Detective Dewey and Deputy Armes then went to Apartment A, where Bernard Barker resided. Again, the officers observed that the glass window next to the entry door had been broken and that the entry door was partially open. Detective Dewey and Deputy Armes went inside Apartment A and found no one present. However, upon entering Apartment A, Detective Dewey and Deputy Armes immediately smelled the strong odor of burnt marijuana and observed what appeared to be a marijuana pipe and a small plastic baggie of marijuana on a table in the living room. Deputy Armes seized the marijuana pipe and the suspected marijuana and later placed those items in the Narcotics Vault of the Red County Sheriff's Department Property Room.

Red County Sheriff's Department Evidence Technicians were called to the scene. Areas of each apartment were processed for possible latent prints and potential sources of DNA. The materials obtained by the Evidence Technicians were sent to the Indiana State Police Laboratory for examination.

Later that same day, Detective Dewey interviewed Linda Kasabian at the Red County Sheriff's Department. Linda Kasabian stated that she had lived in Apartment B for about two months. She indicated that she had been going through a "rough patch" in her life, having recently been divorced and lost custody of her two children. Linda Kasabian admitted that she had recently been arrested twice for drunk driving and that both of those cases were pending. She also stated that she was unemployed and that her uncle, Frank Sturgis, was letting her stay in Apartment B "for free."

Linda Kasabian told Detective Dewey that she did not know the man who had broken into her apartment, but that the man looked a lot like a man she had seen about a week earlier outside of her apartment. The man appeared to be working on the Red County Probation Road Crew and Linda Kasabian thought that the man was "staring at her." Linda Kasabian also advised that she had looked through her apartment and, although a couple of drawers had been opened in the kitchen, nothing appeared to be missing from her apartment.

On July 5, 2012, Detective Dewey interviewed Charles Watson and Susan Atkins. They advised that they had resided in Apartment D for approximately 10 months and were at work at the time of the break-in. Charles Watson and Susan Atkins advised that a flat screen television set and a laptop computer were missing from the apartment, which Charles Watson stated belonged to him. Susan Atkins reported that her jewelry box in the bedroom had been opened and that two necklaces were missing from her jewelry box.

On July 5, 2012, Detective Dewey also interviewed Bernard Barker. Mr. Barker advised that he had lived in Apartment A for approximately 6 months and that he was at work at the time of the break-in. Bernard Barker reported that two (2) handguns were missing from his apartment, as well as \$400.00 in cash that was laying on the table next to the front door.

Bernard Barker told Detective Dewey that one of the missing handguns was a 1932 Iver Johnson .22 caliber 5-shot handgun. Bernard Barker stated that he had received this handgun from his grandfather's estate and that he had the original sales receipt for the purchase of the handgun in 1932. Detective Dewey took possession of the 1932 sales receipt and placed it in the Red County Sheriff's Department Property Room. Bernard Barker also told Detective Dewey that the other missing gun was a Taurus 380 handgun that Bernard Barker had "bought off the street" for \$100.00.

Bernard Barker advised Detective Dewey that the \$400.00 was his rent payment for July and that he was now probably going to be evicted from his apartment. Bernard Barker also stated that if the police ever caught the person who broke into his apartment, he would like 10 minutes alone with him "when the police were not looking."

Bernard Barker asked about the marijuana seized from his apartment by the police. Detective Dewey advised that the marijuana pipe and marijuana were taken to the Red County Sheriff's Department Property Room. Detective Dewey also advised Bernard Barker that the Prosecutor "could" bring charges for the marijuana, but that Detective Dewey had not turned in a police report to the Prosecutor, requesting that charges be filed.

On July 6, 2012, an anonymous call came into the Red County Crime Stoppers Tip Line. The anonymous caller, calling from a telephone booth, stated that a group of "Mexicans" had been running around Red County breaking into homes and that the police ought to check it out.

On July 10, 2012, Detective Dewey met with Steve Grogan, the Chief Probation Officer of Red County. Steve Grogan advised Detective Dewey that there was a Probation Road Crew picking up trash on Polanski Lane during the last week of June 2012. Steve Grogan provided Detective Dewey with the list of names of the individuals who were on that road crew. Detective Dewey immediately recognized one of the names, that being James W. McCord, whom Detective Dewey had previously arrested for Burglary. Steven Grogan provided Detective Dewey with a copy of the probation file regarding James W. McCord.

The probation file on James W. McCord indicated that McCord's most recent conviction was for Burglary, a Class B felony. McCord had been sentenced to 15 years, with 10 years to serve in prison and 5 years suspended to probation. In June 2012, James W. McCord had been released from the Pendleton Reformatory and began his probation period. According to Steve Grogan, McCord was living in a DOC halfway house in Red

County, and was unemployed. The probation file on James W. McCord indicated that he had paid his probation user fees of \$330.00, in cash, on July 5, 2012.

On July 10, 2012, another anonymous telephone call came into the Red County Crime Stoppers Tip Line. The anonymous caller stated that the break-ins at the apartments on Polanski Lane had been committed by “a black dude with the street name of Sticky.”

On July 11, 2012, Detective Dewey prepared a standard six-person photographic array. The six photographs in the photographic array included six white males, all 35-50 years of age and all heavily tattooed on their arms, faces and necks. Photograph #5 of the photographic array was a photograph of James W. McCord (W/M, DOB: 10-31-64).

During the evening of July 11, 2012, Linda Kasabian came to the Red County Sheriff’s Department and, in the presence of Detective Dewey, reviewed the six-person photograph array previously prepared by Detective Dewey. Detective Dewey asked Linda Kasabian if she recognized any of the six photographs. Almost immediately, Linda Kasabian identified photograph #5 as the man who had been in her apartment on July 3, 2012. Linda Kasabian also stated that photograph #5 was the same man that she had seen on the road crew approximately one week before the break-in. Detective Dewey had Linda Kasabian sign her name immediately below photograph #5 on the photographic array.

On July 12, 2012, Detective Dewey received a report that a couple of children playing in a wooded area near the Polanski Lane apartments had found a television set and a laptop computer under a pile of leaves. Detective Dewey went to that location and recovered the flat screen television set and the laptop computer. Both items appeared to be slightly damaged and wet from a recent rain. Detective Dewey placed the television set and the laptop computer into the Red County Sheriff’s Department Property Room.

Later that same day, Charles Watson identified the television set and the laptop computer as items stolen from his apartment on July 3, 2012. Charles Watson also advised Detective Dewey that he had renter’s insurance and had already submitted a claim to the insurance company for such items.

On July 24, 2012, Detective Dewey began checking with local pawn shops to see if any of the items reported to be stolen from several recent burglaries that Detective Dewey had been investigating had been sold or pawned. Detective Dewey went to Honest Joe’s Pawn Shop in Red County and spoke with the owner, Joe Ruggerio, Jr. The records from Honest Joe’s Pawn Shop indicated that on July 5, 2012, the pawn shop had purchased two handguns from an individual identified as James McCord.

Joe Ruggerio, Jr. retrieved the two handguns. One was an old Iver Johnson .22 caliber handgun and the other was a Taurus 380 handgun. Joe Ruggerio, Jr. also turned over to Detective Dewey the sales slip relating to the purchase of the handguns. The sales slip included the signature of James McCord and included the thumbprint of James

McCord. The two handguns were placed into the Red County Sheriff's Department Property Room. The pawn shop sales slip was sent to the Indiana State Police Laboratory for examination of the thumbprint.

On July 25, 2012, Bernard Barker identified the two handguns recovered from Honest Joe's Pawn Shop as the two handguns stolen from his apartment on July 3, 2012.

On August 5, 2012, Detective Dewey spoke by telephone with Sgt. Eugene Martinez, who was a corrections officer employed at the Pendleton Reformatory. Sgt. Martinez was the supervisor of the Gang Identification and Suppression Unit at the Pendleton Reformatory. The Gang Identification and Suppression Unit examined and photographed all tattoos of all inmates at the Pendleton Reformatory in order to identify known gang members and associates inside the prison.

Sgt. Martinez advised Detective Dewey that James W. McCord (W/M, DOB: 10-31-64) had been an inmate at the Pendleton Reformatory from March 2008 until his release in June 2012. Sgt. Martinez also advised Detective Dewey that James McCord had a tattoo on his left forearm with the letters "GSG." Sgt. Martinez explained that this indicated that James McCord belonged to a prison gang named "Gladiator School Graduates." Sgt. Martinez further explained that the purpose of this gang, beyond protection while inside the facility, was to assist released gang members with new charges, by providing false alibis and false leads to the police investigating the crimes. The gang members referred to this procedure as "rat busting." The gang members also referred to all police officers as "KC," meaning Keystone Cops.

On August 24, 2012, Detective Dewey received a report from the Indiana State Police Laboratory, relating to the Polanski Lane burglaries. That report stated:

1. No identifiable latent fingerprints were developed from the scene of the burglaries at the apartments on Polanski Lane.
2. DNA testing was conducted on the swabs submitted from the scene of the Polanski Lane burglaries and a DNA profile was obtained from a swab taken from the refrigerator door inside of Apartment B. The DNA profile was entered into a DNA database maintained by the Indiana State Police, known as CODIS (Combined DNA Index System) and matched a known DNA profile of James W. McCord (W/M, DOB: 10-31-64).
3. The latent print on the sales receipt from Honest Joe's Pawn Shop was submitted to AFIS and matched the right thumbprint of the known fingerprints of James W. McCord (W/M, DOB: 10-31-64).

On August 24, 2012, Detective Dewey also learned that a body attachment had been issued by the Red Circuit Court for James W. McCord, due to his failure to appear at a child support contempt hearing.

On August 25, 2012, Detective Dewey and Deputy Armes went to the halfway house where James McCord resided. Detective Dewey and Deputy Armes intended to arrest James McCord for the July 3, 2012 burglaries at 404 East Polanski Lane and further intended to execute the child support body attachment.

Detective Dewey and Deputy Armes went to the door of the room inside the halfway house where James W. McCord resided. James W. McCord answered the door and, upon seeing Detective Dewey and Deputy Armes stated, "Well, if it ain't KC. What the hell do you two want?" Detective Dewey advised James McCord that he was under arrest. Deputy Armes handcuffed James W. McCord while Detective Dewey advised James W. McCord of his Miranda rights.

Detective Dewey looked at the left forearm of James W. McCord and observed that there was a tattoo on McCord's left forearm with the letters "GSG." Deputy Armes searched James McCord, incident to arrest and discovered, on his person, United States currency in the amount of \$2,662.00. The money discovered on James McCord was mostly small bills. Detective Dewey asked James W. McCord where he got this money and James McCord said, "Tax refund, KC." Detective Dewey then asked James W. McCord about the July 3, 2012 burglaries and James McCord replied, "Talk to my lawyer, KC." James W. McCord then told Detective Dewey to do something that was physically impossible.

The United States currency seized from James W. McCord was placed by Deputy Armes into the Red County Sheriff's Department Property Room.

On August 25, 2012, a search warrant was issued by the Red Circuit Court, the Honorable Julius Hoffman, authorizing law enforcement officers to search the room at the halfway house that was the residence of James W. McCord. During the execution of that search warrant, police discovered and seized the following items:

1. One (1) hammer;
2. Two (2) screwdrivers;
3. One (1) crowbar;
4. Sixteen (16) gold or silver necklaces;
5. Three (3) clear glass jars containing coins.

All of the items seized during the execution of the search warrant were placed into the Red County Sheriff's Department Property Room.

During the evening of August 25, 2012, Susan Atkins came to the Red County Sheriff's Department and viewed the sixteen (16) necklaces recovered from the residence of James W. McCord. Susan Atkins indicated that two of the necklaces "looked like" the ones that were stolen from her on July 3, 2012. However, she stated that she was not "100% sure."

On August 26, 2012, a limited search warrant was obtained from the Red Circuit Court, for the purpose of obtaining buccal swabs and major case prints from James W. McCord for comparison to a known standard. This limited search warrant was executed on August 26, 2012 at the Red County Jail. James W. McCord (W/M, DOB: 10-31-54), submitted to the buccal swab procedure and the fingerprinting without incident. The buccal swabs and the fingerprints were sent to the Indiana State Police Laboratory.

All of the events set forth above occurred in Red County, Indiana.

I swear or affirm under penalties for perjury that the foregoing representations are true.

THOMAS DEWEY
Detective
Red County Sheriff's Department