

STATE WIRETAP REPORT

IC 35-33.5-2-4

- (a) Not later than December 31 of each year, a prosecuting attorney who during that year:
 - (1) has received a warrant or an extension; or
 - (2) represents a county in which an arrest or a conviction has occurred as the result of the warrant or extension' shall report in an electronic format under IC 5-14-6 the information described in subsection (s) to the legislative council.
- (b) A prosecuting attorney shall report the following information under subsection (a):
 - (1) The information required in section 5 of this chapter:

IC 35-33.5-2-5

- (1) The fact that a warrant or an extension was applied for.
The following Ten (10) Warrants and Nine (09) Extensions were applied for under this chapter by the Marion County Prosecutor's Office, the Indiana State Police and the Indianapolis Metropolitan Police Department from May 14, 2008, through June 10, 2009: . All of the following Warrants and Extensions were sealed by the Court until December of 2009.

*Application for Warrant Authorizing the Interception of Electronic Communications, Affidavit in Support of Application and Warrant Authorizing the Interception of Electronic Communications
Target Subject Victor Wells
Target Telephone 1*

*Application for Warrant Authorizing the Extension of Interception Of Electronic Communications, Affidavit in Support of Extension and Warrant Authorizing the Extension of Interception of Electronic Communication
Target Subject Victor Wells
Target Telephone 1*

*Application for Warrant Authorizing the Interception of Electronic Communications, Affidavit in Support of Application, Warrant Authorizing the Interception of Electronic Communications and Amended Warrant Authorizing the Interception of Electronic Communications
Target Subject Victor Wells
Target Telephone 2*

Application for Warrant Authorizing the Interception of Electronic Communications, Affidavit in Support of Application and Warrant Authorizing the Interception of Electronic Communications
Target Subject Victor Wells
Target Telephone 3

Application For Warrant authorizing the Extension of Interception of Electronic Communications, Affidavit in Support of Extension and Warrant Authorizing the Extension of Interception of Electronic Communications
Target Subject Victor Wells
Target Telephone3

Application for Warrant Authorizing the Interception of Electronic Communications, Affidavit in Support of Application and Warrant Authorizing the Interception of Electronic Communications
Target Subject John Saddler
Target Telephone 4

Application for Warrant Authorizing the Extension of Interception of Electronic Communications, Affidavit in Support of Extension and Warrant Authorizing the Extension of Interception of Electronic Communications
Target Subject John Saddler
Target Telephone 4

Application for Warrant Authorizing the Interception of Electronic Communications, Affidavit in Support of Application and Warrant Authorizing the Interception of Electronic Communications
Target Subject Victor Wells
Target Telephone 5

Application for the Interception of Electronic Communications, Affidavit in Support of Application and Warrant Authorizing the Interception of Electronic Communications
Target Subject Robert Howard
Target Telephone 6

Application for Warrant Authorizing the Extension of Interception of Electronic Communications, Affidavit in Support of Extension and Warrant Authorizing the Extension of Interception of Electronic Communications
Target Subject Robert Howard
Target Telephone 6

Second Application for Warrant Authorizing the Extension of Interception of Electronic Communications, Affidavit in Support of Second Extension and Warrant Authorizing the Second Extension of Interception of Electronic Communications
Target Subject Robert Howard
Target Telephone 6

Third Application for Warrant Authorizing the Extension of Interception of Electronic Communications, Affidavit in Support of Third Extension and Warrant Authorizing the Third Extension of Interception of Electronic Communications
Target Subject Robert Howard
Target Telephone 6

Application for Warrant Authorizing the Interception of Electronic Communications, Affidavit in Support of Application and Warrant Authorizing the Interception of Electronic Communications
Target Subject Keith Jones
Target Telephones 7 and 8

Application for Warrant Authorizing the Extension of Interception of Electronic Communications, Affidavit in Support of Extension and Warrant Authorizing the Extension of Interception of Electronic Communications
Target Subject Keith Jones
Target Telephone 8

Application for Warrant Authorizing the Interception of Electronic Communications, Affidavit in Support of Application, Warrant Authorizing the Interception of Electronic Communications and Amended Warrant Authorizing the Interception of Electronic Communications
Target Subject Jerry Gates
Target Telephone 9

Application for Warrant Authorizing the Extension of Interception of Electronic Communications, Affidavit in Support of Extension and Warrant Authorizing the Extension of Interception of Electronic Communications
Target Subject Jerry Gates
Target Telephone 9

*Application for Warrant Authorizing the Interception of Electronic Communications, Affidavit in Support of Application and Warrant Authorizing the Interception of Electronic Communications
Target Subject William Pargo
Target Telephone 10*

*Application for Warrant Authorizing the Extension of Interception of Electronic Communications, Affidavit in Support of Extension, Warrant Authorizing the Extension of Interception of Electronic Communications and Amended Warrant Authorizing the Extension of Interception of Electronic Communications
Target Subject William Pargo
Target Telephone 10*

*Application for Warrant Authorizing the Interception of Electronic Communications, Affidavit in Support of Interception and Warrant Authorizing the Interception of Electronic Communications
Target Subject William Pargo
Target Telephone 11*

- (2) The type of warrant or extension applied for.
Each of the above described Warrants and Extensions were wiretaps.
- (3) The fact that the application for a warrant or an extension was granted, modified, or denied.
Each of the above described Applications for Warrants Authorizing the Interception of Electronic Communication and Applications for Warrants Authorizing the Extension of Interception of Electronic Communications was granted.
- (4) The duration authorized for interception by the warrant and the number and duration of any extensions.

*Target Subject Victor Wells
Target Telephone 1
Monitoring began on May 14, 2008, and was authorized for thirty (30) days. An Extension was signed on June 11, 2008, and authorized an additional thirty (30) days of monitoring. Monitoring on Target Telephone 1 was concluded on July 10, 2008.*

Target Subject Victor Wells

Target Telephone 2

Monitoring began on May 23, 2008, and was authorized for thirty (30) days. Monitoring on Target Telephone 2 was concluded on June 18, 2008.

Target Subject Victor Wells

Target Telephone 3

Monitoring began on June 20, 2008, and was authorized for thirty (30) days. An Extension was signed on July 16, 2008, and authorized an additional thirty (30) days of monitoring. Monitoring on Target Telephone 1 was concluded on August 15, 2008.

Target Subject John Saddler

Target Telephone 4

Monitoring began on July 13, 2008, and was authorized for thirty (30) days. An Extension was signed on August 7, 2008, and authorized an additional thirty (30) days of monitoring. Monitoring on Target Telephone 1 was concluded on September 6, 2008.

Target Subject Victor Wells

Target Telephone 5

Monitoring began on August 15, 2008, and was authorized for thirty (30) days. Monitoring on Target Telephone 5 was concluded on September 10, 2008.

Target Subject Robert Howard

Target Telephone 6

Monitoring began on September 12, 2008, and was authorized for thirty (30) days. The First Extension was signed on October 10, 2008, and authorized an additional thirty (30) days of monitoring. The Second Extension was signed on November 8, 2008, and authorized an additional thirty (30) days of monitoring. The Third Extension was signed on December 7, 2008, and authorized an additional thirty (30) days of monitoring on Target Telephone 6 was concluded on January 1, 2009.

Target Subject Keith Jones

Target Telephone 7

Monitoring began on October 23, 2008, and was authorized for thirty (30) days. Monitoring on Target Telephone 7 was concluded on October 31, 2008.

Target Subject Keith Jones

Target Telephone 8

Monitoring began on October 23, 2008, and was authorized for thirty (30) days. An Extension was signed on November 21, 2008, and authorized an additional thirty (30) days of monitoring. Monitoring on Target Telephone 8 was concluded on December 19, 2008.

Target Subject Jerry Gates

Target Telephone 9

Monitoring began on December 12, 2008, and was authorized for thirty (30) days. An Extension was signed on January 9, 2009, and authorized an additional thirty (30) days of monitoring. Monitoring on Target Telephone 9 was concluded on February 9, 2009.

Target Subject William Pargo

Target Telephone 10

Monitoring began on April 29, 2009, and was authorized for thirty (30) days. An Extension was signed on May 26, 2009, and authorized an additional thirty (30) days of monitoring. Monitoring on Target Telephone 10 was concluded on June 27, 2009.

Target Subject William Pargo

Target Telephone 11

Monitoring began on June 10, 2009, and was authorized for thirty (30) days. Monitoring on Target Telephone 11 was concluded on June 30, 2009.

- (5) The designated offense for which the warrant or extension was issued or applied for.

Dealing in Cocaine (as a Class "A" or Class "B" Felony), Possession of Cocaine (as a Class "A", Class "B" or Class "C" Felony),

Dealing in Heroin (as a Class "A" or Class "B" Felony), Possession of Heroin (as a Class "A", Class "B" Felony or Class "C" Felony),

Dealing in Marijuana (as a Class "C" or Class "D" Felony and , Possession of Marijuana (as a Class "D" Felony).

- (6) The identity of the persons who applied for the warrant or extension.

Det. David McDaniel of the Indianapolis Metropolitan Police Department (Target Telephones 1, 2,3,4 and 5), Det. Jason Hart of the Indianapolis Metropolitan Police Department (Target Telephones 6, 9, 10 and 11). Det. Jeffrey Sego of the Indiana State Police (Target Telephones 7 and 8) and Deputy Prosecutor Claire South of the Marion County Prosecutor's Office (as authorized by Marion County Prosecutor Carl Brizzi).

(7) The nature and location of the place, facility or device from which communications were to be intercepted.
The devices were cellular telephones located in Marion County, Indiana.

(8) The reasons for withholding notice under IC 35-33.5-4-3, if the notice was withheld.

Motions to Postpone Service of Inventory were filed for each Target Telephone. On June 30, 2009, criminal charges were filed against forty defendants related to Targets Robert Howard, Jerry Gates and William Pargo. However, the investigations related to those targets (as well as additional targets) continued through December 3, 2009. Approximately One Hundred additional defendants will be charged and arrested in the near future. The information contained in the Affidavits would have resulted in the notification of the pending investigations to targets and their co-conspirators. In addition, the safety of a Confidential Informant would have been jeopardized. (A Confidential Informant related to the investigation of Target Subject Howard was murdered on December 11, 2008). Due to the on-going investigations, Motions to Seal all Applications, Extension Applications, Affidavits and Warrants were filed and granted. On December 10, 2009, the State filed a Motion to Vacate all Motions to Seal and Ordering the Service of Inventory for all Target Telephones. That motion was granted by Judge William Young on December 10, 2009.

(2) The number of arrest resulting from an interception made under a warrant or Extension and the designated offense for which each arrest was made.

Forty arrests have been made to date.

Thirty six (36) of the defendants were charged with Conspiracy to Commit Dealing In Cocaine (Class "A" Felony). Three (03) defendants were charged with Conspiracy to Commit Dealing in Marijuana (Class "C" Felony). One defendant was charged with Theft (Class "C" Felony) and Assisting a Criminal (Class "A" Misdemeanor).

(3) The number of charges filed as a result of an interception.

Forty Two (42) charges have been filed to date.

(4) The number of motions to suppress made with respect to an interception and the Number of motions granted or denied.

Four (04) Motions to Suppress have been filed to date. All four were set for Hearings in December of 2009. The hearing dates were vacated and all four cases are now set for Pretrial Conferences on February 1, 2010.

- (5) The number of convictions resulting from an interception, the designated offense for which each conviction was obtained, and a general assessment of the importance of interception in obtaining the conviction.

Two (02) convictions have been obtained to date:

Gerrell McCloud was initially charged with Conspiracy to Commit Dealing in Cocaine (Class "A" Felony). He pled guilty to Possession of Cocaine (Class "D" Felony). His brother, Tracy McCloud, is a co-conspirator of Target Subject William Pargo. Nine pertinent telephone calls were intercepted between Tracy McCloud and William Pargo during which the two of them discussed the sale of pounds of marijuana and half ounce quantities of crack cocaine. (There were no pertinent telephone calls between Gerrell McCloud and William Pargo). During one of those calls, they discussed meeting at Pargo's residence in Indianapolis where Pargo agreed to deliver narcotics. Surveillance units were then able to conduct a traffic stop on the vehicle which contained Tracy McCloud and his brother Gerrell McCloud. Cocaine and marijuana were recovered. Tracy McCloud has been charged with Conspiracy to Commit Dealing in Cocaine (Class "A" Felony).

James Wright was initially charged with Conspiracy to Commit Dealing in Marijuana (Class "C" Felony). He pled guilty to that charge. He was a co-conspirator of Target Subject William Pargo. Ten pertinent telephone calls were intercepted between James Wright and William Pargo during which they discussed the delivery of multiple pounds of marijuana. During one of those calls, they discussed meeting at 2724 Lullwater Lane. Surveillance units were then able to conduct a traffic stop on the vehicle which contained James Wright and William Bills. Ten pounds of marijuana was recovered. William Bills has been charged with Conspiracy to Commit Dealing in Marijuana (Class "C" Felony).

- (6) A general description of the interceptions made under a warrant or an extension, including the following:
- (A) The approximate nature and frequency of incriminating communications intercepted.

Target Subject Victor Wells

Target Telephone 1

May 14, 2008 through July 10, 2008

Total number of intercepted calls	5256
Pertinent calls	382
Minimized calls	376
Privileged calls	63

Target Subject Victor Wells

Target Telephone 2

May 23, 2008 through June 18, 2008

Total number of intercepted calls	834
Pertinent calls	37
Minimized calls	29
Priviledged calls	0

Target Subject Victor Wells

Target Telephone 3

June 20, 2008 through August 15, 2008

Total number of intercepted calls	6050
Pertinent calls	526
Minimized calls	162
Priviledged calls	1

Target Subject John Saddler

Target Telephone 4

July 13, 2008 through September 6, 2008

Total number of intercepted calls	5578
Pertinent calls	495
Minimized calls	242
Priviledged calls	2

Target Subject Victor Wells

Target Telephone 5

August 15, 2008 through September 10, 2008

Total number of intercepted calls	3014
Pertinent calls	155
Minimized calls	159
Priviledged calls	2

Target Subject Robert Howard

Target Telephone 6

September 12, 2008 through January 1, 2009

Total number of intercepted calls	22943
Pertinent calls	550
Minimized calls	668
Priviledged calls	0

Target Subject Keith Jones

Target Telephone 7

October 23, 2008 through October 31, 2008

Total number of intercepted calls	0
Pertinent calls	0
Minimized calls	0
Privileged calls	0

Target Subject Keith Jones

Target Telephone 8

October 23, 2008 through December 19, 2008.

Total number of intercepted calls	339
Pertinent calls	47
Minimized calls	20
Privileged calls	0

Target Subject Jerry Gates

Target Telephone 9

December 12, 2008 through February 9, 2009

Total number of intercepted calls	11837
Pertinent calls	116
Minimized calls	
Privileged calls	0

Target Subject William Pargo

Target Telephone 10

April 29, 2009 through June 27, 2009.

Total number of intercepted calls	28709
Pertinent calls	1036
Minimized calls	202
Privileged calls	0

Target Subject William Pargo

Target Telephone 11

June 10, 2009 through June 30, 2009

Total number of intercepted calls	5715
Pertinent calls	607
Minimized calls	73
Privileged calls	0

The pertinent telephone conversations involved conversations about illegal narcotic distribution including the availability, price, quantity and delivery of cocaine, heroin and marijuana. Supply information, especially related to a Mexican source, was also discussed. From the initial wiretap of Victor Wells (which started on May 14, 2008) through the final wiretap of William Pargo (which concluded June 30, 2009), these conversations generally occurred on a daily basis with each target.

(B) The approximate nature and frequency of other communications intercepted.

As indicated above, thousands of additional communications were received during the course of the investigation. However, any calls which were not pertinent were minimized pursuant to statute.

(C) The approximate number of persons whose communications were intercepted.

*Target Subject Victor Wells
Approximately 75*

*Target Subject John Saddler
Approximately 50*

*Target Subject Robert Howard
Approximately 75*

*Target Subject Keith Jones
Approximately 20*

*Target Subject Jerry Gates
Approximately 50*

*Target Subject William Pargo
Approximately 175*

(D) The approximate nature, amount, and cost of manpower and other resources used in relation to the interceptions.

Approximately \$185,000.00 was spent for equipment and manpower.