

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 Warrant and Extension were applied for under this chapter by the Marion County Prosecutor's Office and the Indiana State Police from January 24, 2012, through April of 2012 (the following Warrant and Extension were sealed by the Court until June 15, 2012):

*Application for Warrant Authorizing the Interception of Electronic Communications, Affidavit in Support of Application and Warrant Authorizing the Interception of Electronic Communications
Target Subject Darnell Beverly with Target Telephone 1 (317) 333-2221, applied on or about January 24, 2012.*

*Application for Warrant Authorizing the Interception of Electronic Communications, Affidavit in Support of Application and Warrant Authorizing the Interception of Electronic Communications
Target Subject Curtis Lee with Target Telephone 2 (574) 204-3808, applied on or about February 28, 2012.*

*Application for Warrant Authorizing the Interception of Electronic Communications, Affidavit in Support of Application and Warrant Authorizing the Interception of Electronic Communications
Target Subject Curtis Lee with Target Telephone 3 (574) 876-6123, applied on or about March 22, 2012*

- (2) The type of warrant or extension applied for.
Each of the above described Warrants were wiretaps.
- (3) The fact that the application for a warrant or an extension was granted, modified, or denied.
All three Applications for Warrant Authorizing the Interception of Electronic Communication and Application for Warrant Authorizing the Extension of Interception of Electronic Communications were granted.

- (4) The duration authorized for interception by the warrant and the number and duration of any extensions.
Each Warrant was authorized for thirty (30) days. No Extensions were requested.
- (5) The designated offense for which the warrant or extension was issued or applied for.
Dealing in a Narcotic Drug (Heroin) (as a Class "A" or Class "B" Felony) Possession of a Narcotic Drug (Heroin) (as a Class "A", Class "B" or Class "C" Felony), and Conspiracy to commit the above offenses
- (6) The identity of the persons who applied for the warrant or extension.
Det. Joseph Neal of the Indiana State Police and Deputy Prosecutor Thomas Lupke of the Marion County Prosecutor's Office (as authorized by Marion County Prosecutor Terry Curry).
- (7) The nature and location of the place, facility or device from which communications were to be intercepted.
Target Telephone 1 was a cellular telephone located in Marion County, Indiana. Target Telephones 2 and 3 were cellular telephones located in South Bend, Indiana making regular contact with Marion County, Indiana.
- (8) The reasons for withholding notice under IC 35-33.5-4-3, if the notice was withheld.
No Motion to Postpone Service of Inventory was filed for this Target Telephone.
- (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.
Five arrests have been made to date. A sixth target is still in warrant status. The defendants were charged with Conspiracy to Commit Dealing in a Narcotic Drug (Heroin) (Class "A" and Class "B" Felonies), and Dealing in a Narcotic Drug (Heroin) (Class "A" and Class "B" Felonies).
- (3) The number of charges filed as a result of an interception.
Approximately 13 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.
Defendant Darnell Beverly's Motion for Special Prosecutor and to Disqualify Terry Curry and His Staff from Further Participation in this Cause was denied on September 26, 2012 by the Court.
- (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.
No convictions have been obtained to date.

(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.

TT1 (317) 333-2221

Total number of intercepted calls-2902

Total number of completed calls -2585

Pertinent calls-134

Minimized calls-2399

Privileged calls -0

TT2 (574) 204-3808

Total number of intercepted calls-292

Total number of completed calls-179

Pertinent calls-106

Minimized calls-165

Privileged calls-0

TT3 (574) 876-6123

Total number of intercepted calls-430

Total number of completed calls-203

Pertinent calls-159

Minimized calls-178

Privileged calls -0

The pertinent telephone conversations involved conversations about illegal narcotic distribution including the availability, price, quantity and delivery of heroin.

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

As indicated above 3624 calls were intercepted. Calls were received 24 hours a day. Law enforcement officers were monitoring and recording conversations approximately sixteen hours per day.

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

Approximately 670 distinct phone numbers were intercepted during the course of this investigation over the three target telephone lines.

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

Indiana State Police is in the process of calculating an accurate figure for these costs. It will be filed as a supplement to this report within the next thirty (30) days.