

**EX PARTE  
RETURN  
FLOYD COUNTY, GEORGIA**

**IN RE:       JOSEPH SAMUEL WATKINS  
              DAVID WAYNE BROWN  
              TIMOTHY MARK FREE  
              (706) 802-0704**

**TAMI COLSTON, DISTRICT ATTORNEY  
ROME JUDICIAL CIRCUIT**

**REPORT AND RETURN OF INVESTIGATION WARRANT**

Now comes Tami Colston as District Attorney of the Rome Judicial Circuit and Stanley Sutton, Detective, Floyd County Police Department and hereby files this report and return pursuant to the Official Code of Georgia Annotated, Section 16-11-64(b)(4)(6) and 18 U.S.C. 2518(6),(8)(a) and (9) of the information and evidence concerning the crime(s) of violations of Georgia Criminal Code (16-5-1) as it relates to murder, as set forth in the Application of Investigative Warrant and Orders(s) entered in pursuance thereof by the Honorable Robert G. Walther, Judge, Superior Court, Rome Judicial Circuit on the 2<sup>nd</sup> day of October, 2000 and shows to the Court the following facts:

1.

Pursuant to the application for investigative warrant, an Investigative Warrant authorizing electronic surveillance of the residential telephone of John Watkins was issued by the Honorable Robert G. Walther on the 2<sup>nd</sup> day of October, 2000. Said warrant was used and employed in the following manner:

A telephone line attached through a transfer device known as a "slave unit" directly to the terminal box of telephone number, including but not limited to (706) 802-0704, located at 671 Chulio Road, Rome, Floyd County, Georgia. Wherein, the lines to said telephone were run thence to the main telephone connecting trunk, thence to Five Government Plaza, the office of the Rome/Floyd Metro Task Force, Rome, Floyd County, Georgia and attached at this location to a companion transfer device, which enabled a dial up connection to be made between the telephone lines and telephone number, including but not limited to (706) 802-0704 and then to a digital number recording

device, tape recorders and electronic monitoring devices. Said devices were manually or automatically activated and began recording whenever the above-mentioned telephone, or its extensions, were removed from their cradles and to manually or automatically cease recording upon the return of said telephone or its extensions to said cradles. The evidence of and information concerning the specific crimes set out in the Investigative Warrant have been obtained through the use of said devices.

2.

That aforesaid telephone calls relating to and recorded by the use of said devices as verbatim telephonic conversations and is now preserved on 43 cassette tapes of unedited recording tape and the following is being presented to the Court:

One Box containing (4) Manila Envelopes containing the original call record reports of (706) 802-0704 and the forty three (43) cassette tapes described in the previous paragraph.

All tapes are herewith delivered to the custody of the Court for the issuance of such order as to its further custody as the court may deem proper, pursuant to Section 2518(8)(a), Title 18, United States Code.

3.

That in the event indictments should be returned or accusations filed against any persons based in whole or in part on such evidence and information, it is necessary and essential that copies of the application, affidavits and warrant, along with copies and transcripts of the forty three cassette tapes be made, in order that the applicant may comply with O.C.G.A. Section 16-13-49(b)(7) and 18 U.S.C. Section 2518(8)(d) and (9), relative to notification of the accused of the fact that they have been intercepted, making available to them the substance of the evidence and information obtained, and furnishing them with copies of said application, affidavit and warrant at least (10) days prior to trial or hearing. At the time that said telephone calls were intercepted, two (2) original recordings were made and preserved as authorized by the Court. Therefore, the Court is not being requested

to order said cassettes or tapes returned to the custody of the undersigned for duplication. Said copies necessary to comply with O.C.G.A. Section 16-11-64(b)(f) and 18 U.S.C. Section 2518(8)(d) and (9) shall be made from the second originals maintained by the undersigned.

4.

That the investigation and search in pursuance of the warrant was terminated at 23:59 p.m. on the 20<sup>th</sup> day of October, 2000, after having overheard and intercepted the conversations, which were authorized to be overheard and intercepted for a period of twenty (20) days, since the conversations and discussions relating to said crime were deemed by the Court to be of a continuing nature.

During the course of the investigation, a total of 1257 calls were intercepted. According to the listening post log, 50 calls were characterized as evidence, 316 calls were minimized because they were personal in nature, 491 calls were classified as other, including but not limited to hang-ups, misdials and unanswered incoming, outgoing and answering machine calls, where no message was left and 766 calls were classified as completed, including but not limited to calls made to another's pager and calls made to another's answering machine, where a message was left. The evidence calls intercepted related to the conspiracy alleged in the Investigative Warrant and attached affidavit, involving violations of 16-5-1, as it related to the possible involvement of David Wayne Brown, Joseph Samuel Watkins and Timothy Mark Free.

5.

The law enforcement officers who actually employed the devices used in the execution of the warrant were:

1. Mike Bell
2. Perry Maynard
3. David Reeps
4. Stanley Sutton
5. Bill Shiflett
6. Ken Jones


7. John Blaylock
8. Wendi Stewart
9. Mark Tison
10. Bill Devlin

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11. Rodney Clemones
12. Joey Jacobs
13. Gary Conway
14. Jimmy Allred
15. Bob Couey
16. Danny Logan
17. Teri Davis

SO RETURNED this 27<sup>A</sup> day of October, 2000.

  
DISTRICT ATTORNEY  
ROME JUDICIAL CIRCUIT

  
SERGEANT STANLEY SUTTON  
FLOYD COUNTY POLICE DEPARTMENT

Sworn to and subscribed by me  
this 27<sup>A</sup> day of October, 2000.

  
ROBERT G. WALTHER, JUDGE  
SUPERIOR COURT  
ROME JUDICIAL CIRCUIT

- # 26 JOEY + ADAM CAGLE TALKING ABOUT WHIPPING PEOPLE
- # 43 MARK + JOEY'S MOM - COLLECT FROM MARK AT JAIL - SUTTON CAME AND GOT ME, NEED TO TALK TO JOEY
- # 45 JOEY + MOM - JOEY CAME HOME BECAUSE OF SUTTON - MARK WILL CALL BACK
- # 46 MARK'S MOM AND JOEY'S MOM ABOUT MARK BEING QUESTIONED
- # 56 JOEY AND MARK ABOUT BEING SUSPECTS + THE INTERVIEW OF MARK BY SUTTON + SHIFLETT
- # 287 ADAM CAGLE AND JOEY - ADAM DRUNK AND DEPRESSED - WORRIED ABOUT JOEY
- # 297 JOEY AND MOM - JOEY AT MARK'S - GOING TO O'DELL'S - O'DELL MAKING MONEY
- # 359 CONSENT TAPE MADE BY DAVID BROWN TO MARK - DAVID, MARK AND JOEY ON 3-WAY TALKING ABOUT WHETHER OR NOT MARK WAS @ DAVID'S THE NIGHT OF THE SHOOTING
- # 370 JOEY AND DAD - JOEY SAID HE HAD THE TAPE OF PAUL ALLEN - BILL O'DELL WANTS IT.

00159 A-

- #507 MARK AND JOEY - DAVID SAID THE PHONE WAS  
TAPPED & HOOKING UP PEOPLE FOR POT SALE
- #563 MARK AND JOEY - JOBS - O'DELL - JOEY HASN'T  
HEARD ANYTHING
- #610 MARK AND JOEY - SUTTON RODE BY MARK'S
- #631 TANDI & MOM - TANDI WHISPERS THERE IS NO  
TAPE OF PAUL ALLEN
- #659 MARK, JOEY AND TIM TALKING ABOUT TODD BECKSTINE  
BEING A SNITCH
- #680 MARK AND JOEY - MARK CALLED TO MAKE SURE  
JOEY HAD GOTTEN HOME
- #673 JOEY AND MARK TALKING ABOUT JOEY VISITING  
MARK, POLICE RIDING BY, BECKSTINE CALLING,  
AND GETTING PHONE NUMBER CHANGED
- #884 MARK CALLS JOEY TO MAKE SURE JOEY HAS  
MARK'S NEW PHONE NUMBER - THAT  
BITCH PATTI FOSTER 00159B
- #1015 JOEY TELLING HIS DAD HE IS SICK OF STANLEY  
SUTTON - THREATENS SUTTON - DAD HANGS  
UP ON JOEY

#1019 JOEY TELLING MOM THAT SUTTON HAS FUCKED  
WITH HIM FOR THE LAST TIME - READY  
TO KILL HIM

#1022 JOEY AND MOM TALKING ABOUT KELLY AND  
THREATENING SUTTON

00159C

CRAI #15 158 - 631

1015 ✓  
Good strong threat

Joey telling dad he is tired of Sutton  
ruining his life  
Dad hangs up on him

673 ✓  
NOT helpful

Joey + MARK - About Joey going to MARKS  
For a visit - TALK ABOUT police riding  
by. MARK getting telephone # changed.  
Because Beckstein called him.

884 ✓  
NOT helpful

Joey MARK CALLS Joey. MARK makes sure  
Joey has his new telephone #.

291

Joey + Adam - TALK ABOUT JOBS - NO  
Dont Listen

'022 ✓  
NOT helpful

Joey + Mother - ABOUT Police talking  
to Kelly Police want to talk to  
Kelly Not going to put Kelly through  
it. Joey makes somewhat of a  
threat about STANLEY ???

680 (Nothing)

MARK + Joey - MARK makes sure Joey  
gets home 00159 D

1019 ✓  
NOT very helpful

Joey + Mother - Joey threat to  
STANLEY Sutton. Ready to Kill him  
I'm Ready He has Fucked with me  
the LAST time. Kelly WASNT AROUND when  
this HAPPEN.



778

MARK CALLS gives Tandy his telephone number - NO

559  
NOT  
helped

MARK & Joey & Tim - TALK ABOUT Todd Beckstein being in JAIL with MARK. Thought he WAS A SNITCH

111

Joey & Tandy - Joey CAN go in NAVY. Stanley going to get in trouble See if they HAVE TAP on Line - NO

438  
58  
"if he got any things I would be in military prison" put

MARK & Joey - MARK IN JAIL CALLS Collect. TALK ABOUT Sutton Following him. Mark getting out Joey CAN pick him up. Lawyer told Joey to kiss Stanley OFF & sue him.

← "try to pick us off so we will do something stupid."

226

MARK & Joey - Joey picking up MARK at JAIL then go to Bill Odell's OFFICE. Hot on my ASS Joey states

283

Cindy <sup>mother</sup> & Adam Gagle - Tracer ON our telephone. NO.

00159E

284- Cindy + Rhonda - Phon-Taped - NO

287 ✓ Adam Cagle - Joey - Adam drunk AND depressed - NO  
worried about Joey - "They aint got nothin' - I didnt done nothin'."

290 MARK + ~~Joey~~ - Joey mother - Joey to pick MARK up. - NO

507 ✓ MARK + Joey - Joey to go see MARK  
DAVID told they had his phone tapped  
TALKING ABOUT MARK hooking up some  
people on pot sale - NO  
NOT helpful

0310 ✓ TANDY Watkins + Mother - Tandy whispers  
to her mother. "There is NO tape OF  
Paul Allen" They talked about taking  
the tape to Bill Odell. Mother says  
they should NOT Lie about that.  
the account think  
that up a  
tape"

297 ✓ Joey + Mother - Joey At MARK's  
Going to Bill's office Tim - MARK Joey  
Odell is making money. He might have  
something to do with it. NO  
Joey discussed  
not helpful

351

Joey + Adam Cagle - No

356

MARK + Joey - MARK had earrings stolen - Kelly there - No

358

Joey + MARK + DAVID - 3 way  
DAVID brought down town. - TALKING ABOUT whether MARK WAS AT DAVID'S the night he was shot. ~~CONFIDENTIAL~~  
Consent Tape made By DAVID to MARK

✓ Not helped

370

Joey + FATHER - TAPE OF PAUL ATLEN  
Joey said he has it. Bill Odell wants the tape. CAN WAS minimize

✓ Not helped

488

MARK + Joey - TALK ABOUT JOBS - NO

556

Joey + MARK - About them being suspects. The interview with Free by JUTTER + SHIPKETT.

Not helped

563

MARK + Joey - JOBS OPEN. Joey has not heard from. Joey said you'll be the 1st to know

✓ Nothing

610

MARK + Joey - JUTTER video By MARK'S  
TAKE picture OF JUTTER. NO

✓ Not helped

0059G

#10

Joey & Mark's mother. She wants to pick him up - NO

26

Joey & Adam Cagle - Joey received Deep From someone.

Recruiter told Joey he could Break out of someone could get him out. Use Pin Balls to whip people

✓  
NOT  
helpful

#43

Mark & Joey's Mom - Collect call from Mark at Jail.

Sutton come get me. Need to talk to Joey

✓  
NOT  
helpful

#45

Joey & Mother - Joey come home because of Sutton. Mark will call back - (Joey is it bad

✓  
?

#46

Mark's Mom - Joey's Mom - Mark being questioned - NO

~~158~~