Filed: 4/5/2023 10:39 AM
Carroll Circuit Court
Carroll County, Indiana

EXHIBIT "B"

EXHIBIT "A"

Filed: 5/19/2023 2:21 PM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
vs.	)
	)
RICHARD M. ALLEN	)

SUBPOENA

THE STATE OF INDIANA, TO THE SHERIFF, GREETINGS:

You are hereby commanded to summon the **Indiana Department of Corrections, c/o Westville Correctional Facility, 5501 S 1100 W, Westville, IN 46391**, to permit Attorney, Bradley A. Rozzi, Attorney, Andrew J. Baldwin, and their agents to enter onto the Westville Correctional Facility for the purpose of inspecting, measuring, surveying, and photographing the individual cell block(s), and surrounding facility, wherein Defendant Richard Allen has been continuously incarcerated since November of 2022. Said event shall occur within thirty (30) days of the issuance of this Subpoena as referenced below.

WITNESS, this 19th day of May, 2023.

HILLIS, HILLIS, ROZZI & DEAN

By: _____
Bradley A. Rozzi, Attorney for Defendant
200 Fourth Street
Logansport, IN 46947
574-722-4560

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
BRADEN J. DEAN
I.D. #31941-34

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001
STATE OF INDIANA	)	
	)	
vs.	)	
	)	
RICHARD M. ALLEN	)	

REQUEST FOR PRODUCTION TO NON-PARTY

Pursuant to Trial Rule 34 (A)(2) of the Indiana Rules of Trial Procedure, attorney Bradley A. Rozzi requests, **Indiana Department of Corrections, c/o Westville Correctional Facility, 5501 S 1100 W, Westville, IN 46391**, a Non-Party, to produce and permit the examination of the following:

> To permit entry onto designated land or other property in the possession or control of the Indiana Department of Corrections (c/o Westville Correctional Facility) for the purpose of inspecting, measuring, surveying, and photographing the individual cell block(s), and surrounding facility, wherein Defendant Allen has been continuously incarcerated since November of 2022 pursuant to the Safekeeping Order entered herein on November 3, 2022.
>
> Attorney, Bradley A. Rozzi, Attorney, Andrew J. Baldwin, and their agent are available to inspect the premises, upon reasonable notice, Monday through Friday from 8:00 a.m. to 5:00 p.m. or on any other time convenient for the Department of Corrections and Movants.

Bradley A. Rozzi requests that such production be made to Bradley A. Rozzi, by mailing a copy of said documents to Bradley A. Rozzi, 200 Fourth Street, Logansport, Indiana 46947.

This Request for Production is made pursuant to Trial Rule 34(C), and the producing party is entitled to security against damages or payment of damages resulting from this request and may respond to this request by submitting to its terms, by proposing different terms, by objecting specifically or generally to this request by serving a written response or by moving to quash as permitted by Trial Rule 45(B).

Failure to respond to this Request for Production or to object to it or to move to quash, as provided by the Indiana Rules of Civil Procedure within (30) days from its receipt, may subject producing party to a Motion for Sanctions, pursuant to Trial Rule 37 of the Indiana Rules of Trial Procedure.

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
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JOHN R. HILLIS
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BRADEN J. DEAN
I.D. #31941-34

HILLIS, HILLIS, ROZZI & DEAN

By: _____
Bradley A. Rozzi, Attorney for Defendant
200 Fourth Street
Logansport, IN 46947

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by first class U.S. Mail, postage prepaid upon Indiana Department of Corrections, c/o Westville Correctional Facility, 5501 S 1100 W, Westville, IN 46391 and the Carroll County Prosecutor's Office, the 19th day of May, 2023.

_____
Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
BRADEN J. DEAN
I.D. #31941-34

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA)
)
vs.)
)
RICHARD M. ALLEN)

TO: Robert P. Baston, #209210
c/o Westville Correctional Facility
5501 S 1100 W
Westville, IN 46391-0473

SUBPOENA

The State of Indiana, to the Sheriff of said County, Greetings:

You are hereby commanded to summon Robert P. Baston, #209210, c/o Westville Correctional Facility, 5501 S. 1100 W., Westville, IN 46391-0437, to appear for a hearing on Thursday, June 15, 2023, at 7:30 a.m. in the Carroll Circuit Court, 101 W. Main Street, #206, Delphi, IN 46923 to testify in the above captioned cause and return this summons.

WITNESS, Clerk of said Court, this 9th day of June, 2023.

HILLIS, HILLIS, ROZZI & DEAN

By: _____
Bradley A. Rozzi, Attorney for Defendant
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
BRADEN J. DEAN
I.D. #31941-34

CERTIFICATE OF ANALYSIS

Indianapolis Regional Laboratory
550 W. 16th Street, Suite C
Indianapolis, IN 46202
October 19, 2022

Telephone: (317) 921-5300
Toll Free: (866) 855-2840
FAX: (317) 921-5626

M. JAY HARPER
INDIANA STATE POLICE / DISTRICT 14
5921 STATE ROAD 43 NORTH
WEST LAFAYETTE, IN 47906

Laboratory Case Number: 17K-00066
Request Number: 0025 **Request Type:** Firearms
Agency Case Number: 17ISPC001748

Laboratory activities were performed between 10/14/2022 and 10/19/2022.

DESCRIPTION OF ITEMS:

Laboratory Item 016 Agency Item 122	Sealed paper bag containing a sealed envelope containing a 40 S&W cartridge.

RESULTS/OPINIONS/INTERPRETATIONS:

The cartridge in item 016 was identified as having been cycled in the firearm in item 314 from Indiana State Police Laboratory Case Number 19K-00197 (Indiana State Police Agency Case Number 17ISPC001748-2).

REMARKS:

Identification: An identification opinion is reached when the evidence exhibits an agreement of class characteristics and a sufficient agreement of individual marks. Sufficient agreement is related to the significant duplication of random striated/impressed marks as evidenced by the correspondence of a pattern or combination of patterns of surface contours. The interpretation of identification is subjective in nature, and based on relevant scientific research and the reporting examiner's training and experience.

METHODOLOGY USED TO REACH RESULTS/OPINIONS/INTERPRETATIONS:
Microscopic Comparison

EXHIBIT A

CERTIFICATE OF ANALYSIS

Melissa A. Oberg

Melissa Oberg
Forensic Scientist
Firearms Unit

CERTIFICATE OF ANALYSIS

Indianapolis Regional Laboratory
550 W. 16th Street, Suite C
Indianapolis, IN 46202
October 19, 2022

Telephone: (317) 921-5300
Toll Free: (866) 855-2840
FAX: (317) 921-5626

M. JAY HARPER
INDIANA STATE POLICE / DISTRICT 14
5921 STATE ROAD 43 NORTH
WEST LAFAYETTE, IN 47906

Laboratory Case Number: 19K-00197
Request Number: 0008 **Request Type:** Firearms
Agency Case Number: 17ISPC001748-2

Laboratory activities were performed between 10/14/2022 and 10/19/2022.

DESCRIPTION OF ITEMS:

Laboratory Item 314 Agency Item MC8	Sealed cardboard box containing one Sig Sauer, Model P226, 40 S&W caliber pistol, serial number U 625 627.
Laboratory Item 314T1	Sealed manila envelope containing test fired and cycled ammunition from the firearm in item 314.
Laboratory Item 314T2	Sealed manila envelope containing test fired and cycled ammunition from the firearm in item 314.
Laboratory Item 314T3	Sealed manila envelope containing test fired and cycled ammunition from the firearm in item 314.
Laboratory Item 315 Agency Item MC9	Sealed plastic bag containing one cartridge.
Laboratory Item 316 Agency Item MC10	Sealed plastic bag containing one cartridge.
Laboratory Item 317 Agency Item MC11	Sealed plastic bag containing one magazine containing eight cartridges and another magazine containing nine cartridges.

RESULTS/OPINIONS/INTERPRETATIONS:

The firearm in item 314 was examined for functional defects and test fired. No functional defects were found.

EXHIBIT B

CERTIFICATE OF ANALYSIS

Examination of the cartridge in item 315 revealed it to be a 40 S&W caliber cartridge manufactured by or marketed as Winchester.

Examination of the cartridge in item 316 revealed it to be a 40 S&W caliber cartridge manufactured by or marketed as Blazer.

Examination of the two magazines in item 317 revealed each to be a 40 S&W caliber staggered box magazine manufactured by or marketed as Sig Sauer having a capacity of ten cartridges.

Examination of the seventeen cartridges in item 317 revealed each to be a 40 S&W caliber cartridge manufactured by or marketed as Blazer.

The cartridge in item 016 from Indiana State Police Laboratory Case Number 17K-00066 (Indiana State Police Agency Case Number 17ISPC001748) was identified as having been cycled in the firearm in item 314.

A test fired cartridge case from item 314T1 was entered into the IBIS database. Images of item 314T1 were sent to the BATF National Correlation and Training Center for review.

The test fires in items 314T1, 314T2, and 314T3 will be returned to the contributor. It is recommended that the test fires are retained for a period of at least five years.

REMARKS:

Identification: An identification opinion is reached when the evidence exhibits an agreement of class characteristics and a sufficient agreement of individual marks. Sufficient agreement is related to the significant duplication of random striated/impressed marks as evidenced by the correspondence of a pattern or combination of patterns of surface contours. The interpretation of identification is subjective in nature, and based on relevant scientific research and the reporting examiner's training and experience.

METHODOLOGY USED TO REACH RESULTS/OPINIONS/INTERPRETATIONS:
Physical Examination and Classification of Firearms
Function Test
Barrel and Overall Length Measurement
Test Firing
Ammunition Component Characterization
Microscopic Comparison
NIBIN

CERTIFICATE OF ANALYSIS

Melissa A. Oberg

Melissa Oberg
Forensic Scientist
Firearms Unit

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001
STATE OF INDIANA	)	
	)	
vs.	)	
	)	
RICHARD M. ALLEN	)	

NOTICE OF DISCOVERY

Comes now the Defendant, Richard Allen, by Counsel, Bradley A. Rozzi, and serves upon the Indiana Department of Corrections, c/o Westville Correctional Facility, 5501 S 1100 W, Westville, IN 46391, a Subpoena and Request for Production to Non-Party to be answered within thirty (30) days from the date of service. See attached.

Bradley A. Rozzi, Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by first class U.S. Mail, postage prepaid upon Indiana Department of Corrections, c/o Westville Correctional Facility, 5501 S 1100 W, Westville, IN 46391 and by the County e-filing system upon the Carroll County Prosecutor's Office and Andrew J. Baldwin, the 19th day of May, 2023.

Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
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I.D. #31941-34

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
vs.	)
	)
RICHARD M. ALLEN	)

ORDER

Comes now the Court and having communicated with the parties on Defendant Allen's Motion for Order on Continuing Disclosure of Defendant's Mental Health Records, now grants said Motion and orders the Indiana Department of Corrections and/or any other departments, law enforcement agencies, and/or individuals assuming jurisdiction over the care and the custody of Richard M. Allen (D/O/B: 9/9/72) to release to Attorney Bradley A. Rozzi and/or Andrew Baldwin, upon the written request or either, any and all mental health records associated with Richard M. Allen, without the necessity of the execution of consents and/or waivers by Defendant Allen or his agents.

Ordered_____.

_____
FRANCES C. GULL, SPECIAL JUDGE
CARROLL CIRCUIT COURT
CARROLL COUNTY, INDIANA

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001
STATE OF INDIANA	)	
	)	
vs.	)	
	)	
RICHARD M. ALLEN	)	

SUPPLEMENTAL ORDER ON SAFEKEEPING

Comes now the Honorable Frances C. Gull, Special Judge in the above captioned cause, and orders the Indiana Department of Corrections, through its Commissioner, to transport Defendant Allen to the Cass County Jail, Cass County, Indiana, and release Defendant Allen to the care and custody of the Cass County Sheriff, Edward Schroder. Defendant Allen shall remain in the care and custody of the Cass County Sheriff, at the Cass County Jail, pending a resolution of this cause. The Court further orders the _____ to facilitate the transfer of Defendant Allen to and from all scheduled hearings in this cause unless otherwise ordered by this Court.

All of which is Ordered_____.

_____

FRANCES C. GULL, SPECIAL JUDGE
CARROLL CIRCUIT COURT
CARROLL COUNTY, INDIANA

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001
STATE OF INDIANA	)	
	)	
vs.	)	
	)	
RICHARD M. ALLEN	)	

TEMPORARY RESTRAINING ORDER

Comes now the Court and having reviewed Defendant Allen's Verified Motion for Temporary Restraining Order and Preliminary Injunction, finds that immediate and irreparable injury, loss, or damage will result in the absence of an order pending a hearing in this cause. As such, the Court grants said Order and herein directs the Indiana Department of Corrections, by and through its staff, from video taping any further attorney-client conferences between Defendant Allen and his legal team. The Court further orders that Defendant Allen's legal team shall be afforded the opportunity to utilize their laptop computers and cellphones in the course of conducting conferences with Defendant Allen at the Westville Correctional Facility and/or any other Department of Correction facilities wherein Defendant Allen may be housed. Further, this matter shall be scheduled for hearing on Defendant Allen's request for a preliminary injunction on _____.

Ordered_____.

_____

FRANCES C. GULL, SPECIAL JUDGE
CARROLL CIRCUIT COURT
CARROLL COUNTY, INDIANA

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
vs.	)
	)
RICHARD M. ALLEN	)

ORDER

Comes now the Court and having reviewed Defendant Allen's Motion for Order on Continuing Disclosure of Defendant's Mental Health Records, now grants said Motion and orders the Indiana Department of Corrections and/or any other Departments and/or individuals assuming jurisdiction over the care and the custody of Richard M. Allen to release to Attorneys Rozzi and Baldwin, upon their written request, any and all mental health records associated with Richard M. Allen without the necessity of the execution of further Contents and Waivers by Defendant Allen.

Ordered_____.

_____

FRANCES C. GULL, SPECIAL JUDGE
CARROLL CIRCUIT COURT
CARROLL COUNTY, INDIANA

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
vs.	)
	)
RICHARD M. ALLEN	)

EMEGENCY MOTION TO MODIFY SAFEKEEPING ORDER

Comes now the Defendant, Richard M. Allen, by and through his Attorney, Bradley A. Rozzi, and respectfully requests that this Court modify the Court Order ("Safekeeping Order") entered on November 3, 2022, in this cause. In support of said Motion, Attorney Rozzi states as follows:

1. On or about October 28, 2022, Mr. Allen was charged with two (2) Counts of Murder. Mr. Allen's bond was set in the amount of 20 million dollars;

2. On November 3, 2022, prior to Counsel being assigned to Mr. Allen, the Carroll County Sheriff, via formal Motion, filed his *Request by the Sheriff of Carroll County, Indiana, to Transfer Inmate from the Custody of the Sheriff to the Custody of the Indiana Department of Corrections for Safekeeping*;

3. On the same day, November 3, 2022, the Honorable Benjamin A. Diener, Judge of the Carroll Circuit Court, executed a Court Order granting the Sheriff's request and further ordered the Carroll County Sheriff to transfer Mr. Allen to a facility, within the Indiana Department of Corrections, as designated by the Commissioner of the Department of Corrections, suitable for Mr. Allen's safekeeping. All decisions regarding Mr. Allen's detention circumstances were made prior to Counsel being assigned to Mr. Allen to speak on his behalf. No formal hearing regarding the Sheriff's safekeeping request have been conducted as of the date of filing of this motion;

4. Mr. Allen is currently incarcerated in the Westville Correctional Facility where he has been detained since November, 2022;

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

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I.D. #7533-09
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I.D. #31941-34

5. The Westville Correctional Facility is a maximum-security prison operated by the Indiana Department of Corrections wherein thousands of individuals convicted of the most serious crimes such as murder, rape, robbery and child molesting are confined as a result of their convictions. To the best of Counsel's knowledge, Westville Correctional Facility does not routinely house offender's awaiting trial, who are presumed innocent, as the presumption should be with Mr. Allen;

6. It is further noteworthy that Mr. Allen has been continuously assigned to a separate maximum security segregation unit within the Westville Correctional Facility wherein the most dangerous offenders are held. Counsel has investigated and confirmed with prison officials, that said unit routinely houses individuals serving sentences of life without parole and others who have committed some of the most heinous crimes known to our society or have been transferred to this unit after committing further crimes within the Department of Corrections. Counsel was informed by prison employees that said employees were not aware of any other circumstance wherein a human, facing trial under circumstances such as these, has been housed in said facility. Finally, Counsel has discovered that Westville Correctional Facility has been the center of much attention, in the recent past, in matters involving unequal and inhumane treatment of offenders. [1];

7. "The requirement of equal protection dictates, as appellees here agree, that pretrial detainees may not be treated less favorably than convicted persons, unless the difference in treatment is justified by a legitimate government interest. Brief of appellees at 43. As the Second Circuit indicated in Rhem v. Malcolm, 507 F.2d 333 (2d Cir. 1974), "The demands of equal protection of the laws and of due process ... prevent unjustifiable confinement of detainees under worse conditions than convicted prisoners." Id. at 336. See also, Inmates of Suffolk Co. Jail v. Eisenstadt, 360 F.Supp. 676, 686 (D.Mass.1973) aff'd 494 F.2d 1196 (1st Cir.), cert. denied sub nom. Hall v. Inmates of Suffolk County Jail, 419 U.S. 977, 95 S.Ct. 239, 42 L.Ed.2d 189 (1974); Jones v. Wittenberg, 323 F.Supp. 93, 99-100 (N.D.Ohio 1971), aff'd sub nom. Jones v. Metzger, 456 F.2d 854 (6th Cir. 1972); Brenneman v. Madigan, 343

[1] Inmate kept in solitary will get $400K from state, lawyers say (indystar.com).

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
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JOHN R. HILLIS
I.D. #7533-09
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F.Supp. 128, 138 (N.D.Cal.1972); Seale v. Manson, 326 F.Supp. 1375 (D.Conn.1971); Tyler v. Ciccone, 299 F.Supp. 684 (W.D.Mo.1969).";

8. Counsel recently visited the prison and was denied of his request to inspect his client's cell block and living circumstances. Despite this, Counsel has reason to believe that Mr. Allen has been required to endure the following conditions, over the course of his five-plus month detainment at the facility:

a. Mr. Allen's has been entombed in a cell as small as a 6ft in width by 10ft in length, a space no larger than that of a dog kennel.

b. Mr. Allen is sleeping on a pad on a concrete floor.

c. Mr. Allen is afforded showers only one to two times per week.

d. Mr. Allen is required to wear the same clothes, including underwear, for days and days on end, all of which are soiled, stained, tattered and torn.

e. Mr. Allen, who is a constitutionally innocent man and maintains his factual innocence as well, has not been afforded any opportunity to visit his Wife or other family members during the last 5 months of incarceration during which time he has been subjected to conditions akin to those of a prisoner of war.

f. Mr. Allen is allowed only an electronic tablet through which he can make calls to family members, all of which is monitored by prison officials, with the cost of all phone calls being borne by Rick and his family.

g. Mr. Allen is routinely supervised by other inmates ("companions" as referred to within the confines of the prison) who sit on watch outside of his cell door on a daily basis.

h. Mr. Allen is afforded very little, if any, recreation time outside of his cold, concrete, and metal quarters.

i. Attorneys for Mr. Allen delivered nearly 1,000 pages of police reports to Mr. Allen on Friday, March 24, 2023, with the intention of seeking their client's cooperation in his own defense. As of Monday, April 3rd, 2023, said information has yet to be provided to Mr. Allen;

9. The location of Mr. Allen's detention is such that he is isolated geographically, not only from his family but also from his Attorneys, who are required

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
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I.D. #7533-09
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I.D. #23365-09
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to travel for hours to speak with him in confidence regarding his case. Said visits also require making logistical arrangements with prison officials in advance of visits. [2];

10. It is difficult, if not impossible, for Mr. Allen's Attorneys to share confidential and sensitive information with Mr. Allen due to the logistical challenges associated with Mr. Allen's segregation and isolation to the extent that Mr. Allen is being deprived of his constitutional right to assist in his defense. In contrast, the State of Indiana, through it's prosecutorial and law enforcement divisions, sit in the comfort of their own command center planning and preparing to prosecute Mr. Allen to the fullest extent of the law;

11. In sum, Mr. Allen is being treated far less favorably than a convicted person, many of which are housed in less secure areas of the prison, are offered programming, therapy, and mental health services, routine recreation, and contact visits with family and friends;

12. To further complicate matters, Mr. Allen has suffered from depression dating back to his early years. Upon his incarceration, Mr. Allen was presumably evaluated and medicated by prison medical staff. Up until a visit with Mr. Allen on April 4, 2023, counsel for Mr. Allen found him to be polite, communicative with great eye contact, generally responsive to our questions and exhibiting a good sense of humor on occasion in spite of his false arrest and circumstances. However, Mr. Allen's deteriorating physical condition has been observed by Counsel dating back to the beginning of the new year.

As recently as Friday, April 24th, 2023, Attorney Andrew Baldwin met with Mr. Allen with optimistic news about the direction of the case, and Mr. Allen was inquisitive about the information, was thankful about the information and optimistic about the information. Only ten days later (April 3, 2023), Attorneys for Mr. Allen observed a steep decline in Mr. Allen's demeanor, ability to communicate, ability to comprehend and ability to assist in his defense. Simply put, this version of Richard

[2] Counsel would note that Westville prison officials have been more than accommodating and courteous to counsel during visits with Mr. Allen (other than the recent denial of our request to visit Allen's cell), despite the harsh and unreasonable conditions under which Mr. Allen is currently detained.

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
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I.D. #31941-34

Allen was a very different version than counsel for Mr. Allen had interacted with over the past five months. Mr. Allen appeared to be suffering from various psychotic symptoms which counsel would describe as schizophrenic and delusional. Counsel further believes that in our April 4, 2023 interaction, Mr. Allen seems to be suffering from memory loss and is demonstrating an overall inability to communicate rationally with counsel and family members. Counsel experienced, these symptoms, firsthand, upon visiting Mr. Allen on Monday, April 4th, 2023;

13. Mr. Allen's physical condition is deteriorating rapidly. Attached Exhibit "A" is a photo of Mr. Allen, taken by Counsel at the correctional facility, on April 4th, 2023. Said photo reflects the significant toll of his current incarceration on his physical person and by extension, his mental capacity. By contrast, see attached Exhibit "B" which reflects his condition a year or two prior to his incarceration. The conditions under which Mr. Allen has been forced to endure are akin to that of a prisoner of war;

14. The test for determining the constitutionality of treatment of pretrial detainees alleged to deprive them of liberty without due process of law is "whether those conditions amount to punishment of the detainee."6 Bell v. Wolfish, 441 U.S. 520, 535, 99 S.Ct. 1861, 1872, 60 L.Ed.2d 447 (1979). Here, Mr. Allen is being punished to the fullest extent of the law. The conditions he is currently enduring have been thrust upon him without any judicial analysis of the need for such a deprivation of his liberty. Further, counsel is unaware of any facts, outside of those generally alleged in the Sheriff's safekeeping petition which support the need to detain Mr. Allen on what could casually be referred to as "death row.";

15. Approximately 2 months prior to the filing of this Petition, Attorney Rozzi was able to secure a more traditional bed space in the Cass County Jail, a newly erected modern jail facility with the most advanced security measures, located directly across the street from Attorney Rozzi's office and only approximately 20 miles from the Carroll County Courthouse. Said modification of Mr. Allen's incarceration would result in a more humane living environment in which Mr. Allen would be afforded immediate access to his attorneys and more importantly, would allow Mr. Allen to have regular contact visits with his family, i.e., this detention circumstance would afford Mr.

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
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Allen due process of law. Under these circumstances, Mr. Allen would be treated like other inmates awaiting trial in the criminal justice system, as opposed to being punished based only on the merits of untested charging information and probable cause affidavit;

16. In the process of facilitating Mr. Allen's removal from Westville Correctional Facility, Attorney Rozzi communicated with Prosecutor, Nicholas McLeland, who articulated that he had no objection to a modification of Mr. Allen's detention circumstances to a facility closer to Carroll County;

17. Attorney Rozzi was recently informed that the Carroll County Sheriff's Department declined Attorney Rozzi's request to have Mr. Allen removed from the harsh conditions under which he is currently detained to a more traditional County jail near Mr. Allen's Attorneys and family. Mr. Allen asserts that said denial is a deliberate attempt to impose conditions upon him that are intended to frustrate his purpose in defending against the charged allegations and create a hardship on him which would drive any human to mental breakdown. Said approach to his pre-trial detention is a direct infringement on his 6th Amendments rights under the U.S. Constitution;

18. From a practical standpoint, it is also worth noting that the raw volume of discovery offered up by the State of Indiana in this case, is overwhelming. For example, there exists nearly 3,000 pages of law enforcement reports that need to be examined in this cause. In addition, there exists thousands of hours of surveillance video and video interviews of potential suspects, witnesses, and other interested parties. The discovery suggests that law enforcement authorities have processed over 31,000 tips during the course of the investigation, all of which must be reviewed by the Defense. Reasonable access to Mr. Allen, is necessary as he is needed to assist with the process of reviewing discovery. His current detention situation does not provide this convenience;

19. As a further practical matter, both co-counsel for Mr. Allen are having to drive hours away from their respective law offices in order to talk with Mr. Allen, and the time spent on the road is much more costly for Carroll County taxpayers than housing Mr. Allen in Cass County where everyone (except the Carroll County Sheriff) is on board with Mr. Allen being housed during the pendency of this case; and

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
BRADEN J. DEAN
I.D. #31941-34

20. Attorney Rozzi believes an emergency exists and time is of the essence based upon the dramatic change in Mr. Allen's condition, including his change in demeanor, change in appearance, and change in his overall mental health status, and respectfully requests that this Honorable Court modify the Safekeeping Order (as permitted by I.C. 35-33-11-1) and order Richard Allen to be transported and housed at the Cass County jail or somewhere nearer to his family and lawyers, and to do so without a hearing, or (in the alternative) to conduct a hearing as soon as possible before Mr. Allen is placed in further jeopardy due to his current placement, and also so that Mr. Allen may assist his lawyers in addressing Mr. Allen's mental health concerns as well as allowing Mr. Allen to participate in the preparation of his defense, and for all other just and proper relief in the premises.

Respectfully Submitted,

Bradley A. Rozzi, #23365-09

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office and Andrew J. Baldwin the 5th day of April, 2023.

Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947
574-722-4560

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659
JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
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I.D. #31941-34

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
vs.	)
	)
RICHARD M. ALLEN	)

VERIFIED MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Comes now Attorney, Bradley A. Rozzi, and in support of his Motion for Temporary Restraining Order and Preliminary Injunction, now swears and affirms as follows:

1. On or about November 14, 2022, Attorney Rozzi entered his appearance on behalf of Defendant Allen;

2. On or about November 14, 2022, Attorney Baldwin entered his appearance on behalf of Defendant Allen;

3. Both Attorney Baldwin and Attorney Rozzi continue to represent Defendant Allen as of the date of this Motion;

4. Defendant Allen is currently incarcerated in the Westville Correctional Facility pursuant to the November 3, 2022, and April 14, 2023, Safekeeping Orders;

5. Defendant Allen remains incarcerated in the maximum-security unit of the Westville Correctional Facility where Attorneys Rozzi and Baldwin are required to travel to engage in in-person attorney-client communications;

6. At various times between November of 2022 and April of 2023, both Attorney Rozzi and Attorney Baldwin visited Defendant Allen in the maximum-security unit at Westville Correctional Facility. During the visits, Attorney Rozzi and Attorney Baldwin were allowed to possess their cellphones and computers to assist with their attorney-client dealings. Said visits typically occurred in the office of the Captain of the Westville Correctional Facility or other office spaces which appeared to be reserved for

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
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I.D. #31941-34

administrative uses. Other than the presence of an officer placed immediately outside the door of the various meeting spaces, until a visit on or about Friday April 21, 2023, some semblance of privacy was offered up to the Attorney(s) and Defendant Allen;

7. On or about April 5th, 2023, Attorneys for Richard Allen, filed an Emergency Motion to Modify Safekeeping Order. Said Motion contained various allegations regarding the unacceptable conditions under which Defendant Allen has and continues to be detained. In response to this Motion, the Court essentially, re-affirmed the original Safekeeping Order, deferring matters of Defendant Allen's incarceration to the Indiana Department of Corrections;

8. On or about Friday, April 21st, 2023, Attorney Baldwin and his staff member, visited Defendant Allen at the Westville Correctional Facility. At all times during the visit, Attorney Baldwin, his staff member and Defendant Allen were under the constant surveillance of correctional staff who also videotaped the attorney-client conference, through a window, just outside of the meeting room under conditions similar to that which are referenced in paragraph "9" below. Additionally, unlike the previous visits that occurred before filing the April 5, 2023 Motion, Attorney Baldwin was prohibited from bringing his cellphone into the visit;

9. On May 4, 2023, Attorney Rozzi and his staff member visited Defendant Allen at the Westville Correctional Facility. Attorney Rozzi and his staff member were placed inside an administrative office which was approximately 12 feet by 8 feet in size. The room contained approximately four separate padded chairs and a desk. On one end of the room, there were windows facing the outside and on the other end of the room, there was a window facing the interior hallway of the maximum-security unit. Attorney Rozzi offered up to Defendant Allen one of the padded seats in the room. The correctional staff required that Defendant Allen sit in a plastic chair, in the center of the room facing the interior window. Defendant Allen was approximately 8 feet from the window. The chair was situated such that Defendant Allen was facing directly at the interior window (and directly into the video camera). A correctional officer was then stationed on the opposite side of the window, in the hallway, with a video camera which pointed directly at Defendant Allen and also in the direction of Attorney Rozzi and his

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
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JOHN R. HILLIS
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staff member who were sitting right next to Defendant Allen. Attorney Rozzi is of the belief that the entire visit, which lasted approximately one hour, was videotaped by prison staff. Never before has Attorney Rozzi experienced such an infringement on an accused's right to confidential communications with counsel;

10. It is also noteworthy that Attorney Rozzi was prohibited from possessing his cellphone and laptop computer during the visit. As a result of this, Attorney Rozzi had no ability to discuss with Defendant Allen, any part of the voluminous discovery that has been offered up to the defense in this case;

11. Accordingly, Attorney Rozzi respectfully requests that this Court issue a temporary restraining order, pursuant to Rule 65(B), prohibiting the Indiana Department of Corrections from videotaping the attorney-client visits as well as authorizing Attorney Rozzi and Attorney Baldwin to have access to their laptop computers and cellphones during said visits. Attorney Rozzi alleges the following in support of his request:

a. that immediate and irreparable injury, loss, or damage will result to Defendant Allen in the absence of the issuance of such an Order;
b. the moving party is reasonably likely to prevail on the merits as the Defendant has a fundamental right to confidential attorney-client communications at all times during the pendency of his case;
c. the threatened injury to the moving party if an injunction is denied outweighs the threatened harm to the adverse party if the injunction is granted; and
d. the public interest will be disserved if injunctive relief is not granted. Attorney Rozzi further certifies that he has provided a copy of this notice to Elise Gallagher, Attorney for the DOC, simultaneously with the filing of this request;

12. Attorney Rozzi further requests that this Court issue a preliminary injunction, affording the relief requested in paragraph "11" above, after notice to the adverse party and a hearing on the merits of said request;

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
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13. The actions of the Indiana Department of Corrections, referenced above, run afoul of the attorney-client privilege and Defendant Allen's Sixth Amendment Right to counsel. In addition, the prohibitions and restrictions placed upon Attorney Rozzi and Attorney Baldwin have significantly impaired their ability to share information with Defendant Allen regarding the charges and allegations in this case; and

14. The actions of the Indiana Department of Corrections staff are inconsistent and far more intrusive than those privileges afforded other individuals who are awaiting trial in the Department of Corrections and County Jails in the State of Indiana.

____
Bradley A. Rozzi, #23365-09

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

____
Bradley A. Rozzi, #23365-09

Andrew J. Baldwin
____
Andrew J. Baldwin, #17851-41

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

Andrew J. Baldwin
____
Andrew J. Baldwin, #17851-41

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office and Andrew J. Baldwin and by email upon Elise Gallagher the 15th day of May, 2023.

____
Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
BRADEN J. DEAN
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STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
vs.	)
	)
RICHARD M. ALLEN	)

MOTION FOR ORDER ON CONTINUING DISCLOSURE OF DEFENDANT'S MENTAL HEALTH RECORDS

Comes now, the Defendant, Richard M. Allen, by Counsel, Bradley A. Rozzi, and respectfully requests that this Court issue an Order directing the Indiana Department of Corrections, Carroll County Sheriff's Department, and any other authorities detaining Defendant Allen to release to Defendant Allen's Attorneys, Bradley A. Rozzi and Andrew J. Baldwin, copies of any and all mental health records associated with Defendant Allen. In support of said Motion, Defendant Allen states as follows:

1. Defendant Allen is currently housed in the Indiana Department of Corrections pursuant to the Safekeeping Order in this cause;

2. Prior to Defendant Allen's incarceration, Defendant Allen did execute a Power of Attorney in favor his Wife, Kathy Allen. However, no healthcare representative directives were executed by Defendant Allen;

3. Defendant Allen's Attorneys are in need of reviewing Defendant Allen's mental health records, most of which are in possession of the Indiana Department of Corrections, to aid in preparation of his defense, management of his mental and physical state, and to restore his mental and physical health so that he may assist in his own defense;

4. Attorney Rozzi has attempted to obtain Defendant Allen's information through the DOC but is required to execute a HIPPA Waiver. Said Waiver will require Defendant Allen's signature;

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
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I.D. #23365-09
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5. Defendant Allen is currently in a deteriorating state, both mentally and physically, and therefore Attorney Rozzi has concerns regarding Defendant Allen's ability to execute a knowing and voluntary waiver;

6. Defendant Allen is also incarcerated approximately 1 ½ hours away from Attorney Rozzi and therefore, obtaining signatures on a routine basis is burdensome;

7. There is no legal and/or practical reason why Attorneys for Defendant Allen should not be entitled to his mental health records; and

8. Defendant Allen respectfully requests that this Court issue an Order directing the Indiana Department of Corrections and/or any other agencies in charge of defendant Allen's care and custody to release to Attorney Rozzi and Attorney Baldwin, Defendant Allen's mental health records, upon their written request.

Respectfully submitted,

Bradley A. Rozzi, #23365-09
Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office and Andrew J. Baldwin the 7th day of June, 2023.

Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
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STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
vs.	)
	)
RICHARD M. ALLEN	)

MOTION IN LIMINE REGARDING BALLISTICS

The Defendant, Richard M. Allen, by Counsel, Bradley A. Rozzi, respectfully moves this Court as follows:

1. Defendant Allen is charged with two separate Counts of Felony Murder pursuant to I.C. 35-42-1-1(2).

2. There is no trial date set as of the date of the filing of this Motion.

3. Counsel for Defendant Allen, upon information and belief, has reasonable cause to believe that the prosecution intends to introduce as evidence the following:

   a. Testimony from Laboratory Analyst, Melissa Oberg and/or her agent, supporting the findings referenced in Indiana State Police Laboratory Division Certificate of Analysis attached hereto as Exhibit "A".

   b. Testimony from Laboratory Analyst, Melissa Oberg and/or her agent, supporting the findings referenced in Indiana State Police Laboratory Division Certificate of Analysis attached hereto as Exhibit "B".

   c. Bench notes and other literature and information in support of conclusions generated in the attached Exhibits "A" and "B".

4. This evidence is inadmissible for the following reasons:

   a. The items analyzed and the conclusions drawn by the Indiana State Police Laboratory Division are irrelevant and therefore inadmissible under Rule 401 and Rule 402 of the Indiana Rules of Evidence.

   b. The probative value of said evidence is substantially outweighed by the danger of unfair prejudice. Furthermore, admission of such information will confuse and mislead the jury all of which is in violation of Rule 403 of the Indiana Rules of Evidence.

   c. Testimony regarding the analysis and conclusions referenced in Exhibits "A" and "B" runs afoul of Rule 702 of the Indiana Rules of Evidence in that the examiner is not qualified to draw the referenced

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
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JOHN R. HILLIS
I.D. #7533-09
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I.D. #23365-09
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conclusions and in addition, the examiner's testimony does not rest upon reliable scientific principles.

5. Such evidence is not necessary for a full and fair determination of the facts of the instant case.

WHEREFORE, the Defendant, by Counsel, respectfully requests that this Motion in Limine be granted; and request the Court to order the State of Indiana, through its prosecutors, and its witnesses not to mention, refer to, interrogate concerning, or attempt to convey to the jury in any manner, either directly or indirectly the existence of any analysis conducted with regard to the items referenced in Exhibits "A" and "B" as well as any conclusions drawn therefrom without first obtaining permission of the Court outside the presence of the jury; further instruct the State of Indiana and its witnesses not to make any reference to the fact that this Motion has been filed and granted and to warn and caution each and every one of their witnesses to strictly follow these same instructions; and order all relief just and proper in the premises.

Bradley A. Rozzi, #23365-09
Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office and Andrew J. Baldwin the 13th day of June, 2023.

Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
BRADEN J. DEAN
I.D. #31941-34

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
vs.	)
	)
RICHARD M. ALLEN	)

MOTION TO QUASH SUBPOENA

Comes now the Defendant, Richard Allen, by Counsel, Bradley A. Rozzi, and pursuant to Rule 45(B) of the Indiana Rules of Trial Procedure, requests that this Honorable Court quash the Subpoena issued by Carroll County Prosecutor, Nicholas McLeland, on or about the 20th day of April, 2023, in the above captioned matter. In support of said Motion, Defendant Allen states as follows:

1. On or about April 20, 2023, Defendant Allen was served with a Motion for Leave of Court to Subpoena Third-Party Records;

2. Attached to said Motion was a Subpoena Duces Tecum directed to Westville Correctional Facility, a division of the Indiana Department of Corrections;

3. More specifically, said Subpoena referenced the following documents and records to be produced:

(a) Any mental health records that you may have concerning Richard M. Allen, including all records from any physician that has evaluated or examined Richard M. Allen from the beginning of his stay at Westville Correctional Facility, on or about November 3rd , 2022 until present.

(b) The results of any mental health evaluation and/or exams performed on Richard M. Allen while he has been incarcerated at Westville Correctional Facility, on or about November 3rd, 2022 until present.

(c) Any other documents, records, notes, videos and/or writings that the facility may have pertaining to Richard M. Allen mental health during his time of incarceration at Westville Correctional Facility, on or about November 3rd, 2022 until present.

4. The Subpoena is unreasonable and oppressive for the following reasons:

a. Disclosure of the documents violates Defendant Allen's privacy rights under 45 C.F.R. 164, et al.; and

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
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b. Prosecutor McLeland is requesting records which are irrelevant as there are no pending matters pertaining to Defendant Allen's competency to stand trial, nor has Defendant Allen raised the defense of insanity.

5. Defendant Allen respectfully requests that this Court issue an Order quashing the Subpoena and for all other just and proper relief in the premises.

Respectfully Submitted,

Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office and Andrew J. Baldwin the 5th day of May, 2023.

Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947
574-722-4560

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
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STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
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STATE OF INDIANA)
)
vs.)
)
RICHARD M. ALLEN)

MOTION TO QUASH SUBPOENA

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1. On or about April 20, 2023, Defendant Allen was served with a Motion for Leave of Court to Subpoena Third-Party Records;

2. Attached to said Motion was a Subpoena Duces Tecum directed to Westville Correctional Facility, a division of the Indiana Department of Corrections;

3. More specifically, said Subpoena referenced the following documents and records to be produced:

   (a) Any medical documents that you may have concerning Richard M. Allen, including all records from any physician that has evaluated or examined Richard M. Allen from the beginning of his stay at Westville Correctional Facility, on or about November 3rd , 2022 until present.

   (b) The results of any medical evaluation performed on Richard M. Allen while he has been incarcerated at Westville Correctional Facility, on or about November 3rd, 2022 until present.

   (c) Any other documents, records, notes, videos and/or writings that the facility may have pertaining to Richard M. Allen medical health during his time of incarceration at Westville Correctional Facility, on or about November 3rd, 2022 until present.

4. The Subpoena is unreasonable and oppressive for the following reasons:

   a. Disclosure of the documents violates Defendant Allen's privacy rights under 45 C.F.R. 164, et al.;; and

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
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b. Prosecutor McLeland is requesting records which are irrelevant as there are no pending matters pertaining to Defendant Allen's competency to stand trial, nor has Defendant Allen raised the defense of insanity.

5. Defendant Allen respectfully requests that this Court issue an Order quashing the Subpoena and for all other just and proper relief in the premises.

Respectfully Submitted,

Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office and Andrew J. Baldwin the 3rd day of May, 2023.

Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947
574-722-4560

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
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STATE OF INDIANA	)
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MOTION TO QUASH SUBPOENA

Comes now the Defendant, Richard Allen, by Counsel, Bradley A. Rozzi, and pursuant to Rule 45(B) of the Indiana Rules of Trial Procedure, requests that this Honorable Court quash the Subpoena issued by Carroll County Prosecutor, Nicholas McLeland, on or about the 20th day of April, 2023, in the above captioned matter. In support of said Motion, Defendant Allen states as follows:

1. On or about April 20, 2023, Defendant Allen was served with a Motion for Leave of Court to Subpoena Third-Party Records;

2. Attached to said Motion was a Subpoena Duces Tecum directed to Westville Correctional Facility, a division of the Indiana Department of Corrections;

3. More specifically, said Subpoena referenced the following documents and records to be produced:

(a) Any and all audio/video recordings of Richard M. Allen while he is in his cell or being moved from his cell to recreational area for the time period of his incarceration at Westville Correctional Facility.

(b) Any notes from any guards, inmates or other Westville personnel that have made written observations of Richard M. Allen, either while he is in his cell or when he is being moved from one place to another for the time period of his incarceration at Westville Correctional Facility.

(c) Recordings of any interviews done with Richard M. Allen by anyone at the facility while he has been incarcerated at Westville Correctional Facility.

(d) Copies of any recorded phone calls, outside of phone calls made to his attorneys, while he was incarcerated in the facility.

(e) Any written requests made by Richard M. Allen while he was at Westville Correctional Facility.

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
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(f) Any other documents, records, notes, videos and/or writings that the facility may have pertaining to Richard M. Allen for his incarceration at that facility.

4. The Subpoena is unreasonable and oppressive for the following reasons:

a. The requested documents may contain medical and/or psychiatric information associated with Defendant Allen and therefore, are protected under 45 C.F.R. 164, et al.; and

b. Any information derived from interviews done with Defendant Allen by members of the Westville Correctional Facility amount to a violation of Defendant Allen's Fifth and Sixth Amendment Rights under the United States Constitution and Article I § 13 and Article I § 14 of the Indiana Constitution.

5. Defendant Allen respectfully requests that this Court issue an Order quashing the Subpoena and for all other just and proper relief in the premises.

Respectfully Submitted,

Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office and Andrew J. Baldwin the 31st day of May, 2023.

Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947
574-722-4560

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
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STATE OF INDIANA)
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RICHARD M. ALLEN)

MOTION TO QUASH SUBPOENA

Comes now the Defendant, Richard Allen, by Counsel, Bradley A. Rozzi, and pursuant to Rule 45(B) of the Indiana Rules of Trial Procedure, requests that this Honorable Court quash the Subpoena issued by Carroll County Prosecutor, Nicholas McLeland, on or about the 20th day of April, 2023, in the above captioned matter. In support of said Motion, Defendant Allen states as follows:

1. On or about April 20, 2023, Defendant Allen was served with a Motion for Leave of Court to Subpoena Third-Party Records;

2. Attached to said Motion was a Subpoena Duces Tecum directed to CVS Headquarters;

3. More specifically, said Subpoena referenced the following documents and records to be produced:

   (a) The work records for Richard Allen.

   (b) Copies of all work records for Richard Allen, including attendance records for those days.

   (c) Personal files for Richard Allen

4. The Subpoena is unreasonable and oppressive for the following reasons:

   a. The records are irrelevant and not likely to lead to the discovery of admissible evidence; and

   b. The files may contain information protected under 45 C.F.R. 164, et al.

5. Defendant Allen respectfully requests that this Court issue an Order quashing the Subpoena and for all other just and proper relief in the premises.

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

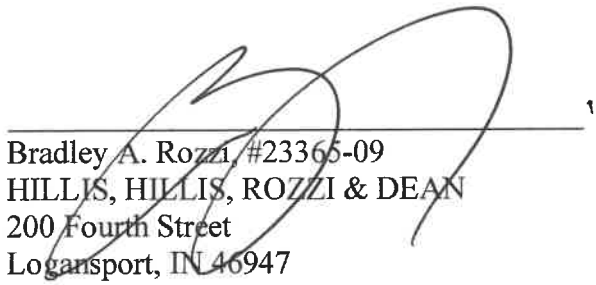
JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
BRADEN J. DEAN
I.D. #31941-34

Respectfully Submitted,

Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office and Andrew J. Baldwin the 3rd day of May, 2023.



Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947
574-722-4560

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

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BRADEN J. DEAN
I.D. #31941-34

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

STATE'S MOTION REQUESTING PROTECTIVE ORDER GOVERNING DISCOVERY

Now comes the State of Indiana, by Prosecuting Attorney Nicholas C. McLeland, and advises that the State has filed charges against the Defendant, under the above referenced cause number. That pursuant to Rule 26 of the Indiana Rules of Trial Procedure, the Defendant is entitled to discovery which includes materials of a sensitive nature. Therefore, pursuant to the provision of Rule 26(C), the State requests that the Court issue a protective Order governing these materials as follows:

1. That one copy of the discovery material shall be provided to Counsel for the Defendant.
2. That the discovery material shall not be used for any purpose other than to prepare for the defense in the above referenced cause number.
3. That the discovery material shall not be publicly exhibited, displayed, shown, used for educational, research or demonstrative purposes or used in any other manner, except in judicial proceedings in the above referenced action.
4. That the discovery material may be viewed only by parties, counsel and counsel's investigators and experts.
5. That if copies of the discovery material are made and provided to the Defendant, investigators or experts for the Defense, that sensitive and private information contained in the discovery shall be redacted, including any social security numbers, IDAC information or NCIC information, any information related to the personal information of juveniles, including social security numbers, names and date of birth and any FBI sentinel information.
6. That discovery material shall not be distributed to any person not authorized to

view it, including witnesses, family members, relatives and friends of the Defendant.

7. That no person other than the Defendant, Counsel for the Defendant and those persons listed in paragraph 5 shall be granted access to said discovery material, or the substance of any portion thereof unless that person has signed an agreement in writing that he or she has received a copy of this Order and that he or she submits to the Court's jurisdiction and authority with respect to the material; agrees to be subject to the Court's contempt powers for any violation of this Order; and is granted prior permission by this Court to access said discovery material.

8. That upon final disposition of the case, the discovery material referred to in paragraph 1 and any and all transcripts shall be returned to the Carroll County Prosecutor's Office or maintained by Defense Counsel pursuant to the terms herein.

9. That Counsel for the Defendant shall be responsible to ensure that all persons involved in the defense of this case comply with this Order.

10. That the written documents/records provided by the State with the discovery material fall under the same rules as described above.

Wherefore the State respectfully asks that the Court to issue an Order protecting the sensitive material distributed to the Defense and for all other just and proper relief in the premises.

Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the Defendant's attorney of record, through personally delivery, ordinary mail with proper postage affixed or by service through the efiling system and filed with Carroll Circuit Court, this __13th _ day of February, 2023.

Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001
STATE OF INDIANA	)	
	)	
vs.	)	
	)	
RICHARD M. ALLEN	)	

MOTION TO RECONSIDER AND REQUEST FOR DUE PROCESS HEARING

Comes now the Defendant, Richard Allen, by Counsel, Bradley A. Rozzi, and respectfully requests that this Court reconsider the Order on Judgment of the Court entered on April 14, 2023 and further, schedule a due process hearing in this cause. In support of said Motion, Defendant Allen states as follows:

1. Defendant Allen is currently incarcerated in the Indiana Department of Corrections pursuant to the Court Order of November 3, 2022, wherein the Honorable Benjamin A. Diener ordered the transfer of Defendant Allen pursuant to I.C. 35-33-11-1 (Safekeeping Statute);

2. At no time prior to the issuance of the November 3, 2022, Safekeeping Order was there any evidentiary hearing to support the issuance of said Order;

3. Defendant Allen has been continuously incarcerated in the maximum security unit of the Westville Correctional Facility since November of 2022;

4. During the course of his incarceration, Defendant Allen has been subjected to oppressive conditions to the extent he has been treated less favorably than other inmates in similar circumstances. Defendant Allen incorporates herein, the allegations contained in Defendant's April 5, 2023, Emergency Motion to Modify Safekeeping Order;

5. The Emergency Motion filed on April 5, 2023, requested that this Honorable Court schedule a hearing so as to allow Defendant Allen to offer up evidence in support of his request. No hearing was afforded to Defendant Allen;

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
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I.D. #23365-09
BRADEN J. DEAN
I.D. #31941-34

6. On April 14, 2023, the Court, sua sponte, issued an Order for Judgment of the Court essentially, reinforcing the safekeeping Order that was previously issued by the Honorable Judge Benjamin A. Diener;

7. I.C. 35-33-11-1 holds that the *"Court shall determine whether the inmate is in imminent danger of serious bodily injury or death, or represents a substantial threat to the safety of others."* Article I, Section 12 of the Indiana Constitution provides that *"all Courts shall be open; and every person, for injury done to him in his person, property, or reputation, shall have remedy by due course of law justice shall be administered freely and without purchase; completely, and without denial; speedily, and without delay."* Ledbetter v. Hunter, 652 N.E.2d 543 (June 1995). There has been no showing, either prior to the November 2022 Safekeeping Order and/or prior to the issuance of the Order for Judgment of the Court of April 14, 2023, which supports the need to confine Defendant Allen in the Indiana Department of Corrections, under his current conditions;

8. Defendant Allen further believes that his Sixth Amendment right to counsel and corresponding rights under Article I, Section 12 of the Indiana Constitution have been violated for reasons including, but not limited to, the following:

a. Defendant incorporates the allegations contained in the Emergency Motion to Modify Safekeeping Order file-marked April 5, 2023;

b. All of Defendant Allen's movements, including his meetings with his attorneys are videotaped by Department of Correction officials;

c. Information regarding Defendant Allen's medical and psychiatric condition may have been disclosed without his consent; and

d. Defendant Allen is unable to discuss the merits of his case, or anything associated therewith, other than through his lawyers on a limited and restricted basis due to logistical challenges with his current detention and due to the distance between he and his lawyers.

9. Defendant Allen respectfully requests that this Court set an evidentiary hearing in this matter and after hearing evidence, modify and/or rescind the Safekeeping Order previously issued in this cause, and for all other just and proper relief in the premises.

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
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I.D. #23365-09
BRADEN J. DEAN
I.D. #31941-34

Respectfully Submitted,

Bradley A. Rozzi, #23365-09

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office and Andrew J. Baldwin the 3rd day of May, 2023.

Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947
574-722-4560

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
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BRADEN J. DEAN
I.D. #31941-34

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001
STATE OF INDIANA	)	
	)	
vs.	)	
	)	
RICHARD M. ALLEN	)	

ORDER

The Court having reviewed Defendant's Motion to Continue Bail Hearing and Jury Trial Setting, now grants said Motion and resets this matter for a bail hearing on

_____, at _____.m.

and Jury Trial on _____, at _____.m.

Ordered _____.

_____

FRANCES C. GULL, SPECIAL JUDGE
CARROLL CIRCUIT COURT
CARROLL COUNTY, INDIANA

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
vs.	)
	)
RICHARD M. ALLEN	)

ORDER

The Court having reviewed Defendant's Motion to Reconsider and Request for Due Process Hearing, now sets said matter for hearing on

_____.

Ordered_____.

_____
FRANCES C. GULL, SPECIAL JUDGE
CARROLL CIRCUIT COURT
CARROLL COUNTY, INDIANA

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001
STATE OF INDIANA	)	
	)	
vs.	)	
	)	
RICHARD M. ALLEN	)	

VERIFIED REQUEST TO PROHIBIT PUBLIC ACCESS TO A COURT RECORD

Bradley A. Rozzi, Counsel for Defendant Allen, being first duly sworn upon his oath, requests the Court to prohibit public access to four separate Motions to Quash Subpoena, filed simultaneously herewith, and in support of said request states as follows:

1. Access or dissemination of the Court Record will create significant risk of substantial harm to the requestor, other persons, or the general public; and

2. Attorney Rozzi makes said request in an effort to remain in compliance with the Order or Judgment of the Court (Gag Order) entered in this cause on December 2, 2022.

I affirm under penalty of perjury as specified by LC. 35-44.1-2-1, that the foregoing representations are true.

Dated this 3rd day of May, 2023.

Bradley A. Rozzi, #23365-09
Attorney for Defendant
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

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I.D. #23365-09
BRADEN J. DEAN
I.D. #31941-34

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
vs.	)
	)
RICHARD M. ALLEN	)

VERIFIED REQUEST TO PROHIBIT PUBLIC ACCESS TO A COURT RECORD

Bradley A. Rozzi, Counsel for Defendant Allen, being first duly sworn upon his oath, requests the Court to prohibit public access to the Motion to Reconsider and Request for Due Process Hearing, filed simultaneously herewith, and in support of said request states as follows:

1. Access or dissemination of the Court Record will create significant risk of substantial harm to the requestor, other persons, or the general public; and

2. Attorney Rozzi makes said request in an effort to remain in compliance with the Order or Judgment of the Court (Gag Order) entered in this cause on December 2, 2022.

I affirm under penalty of perjury as specified by LC. 35-44.1-2-1, that the foregoing representations are true.

Dated this 3rd day of May, 2023.

Bradley A. Rozzi, #23365-09
Attorney for Defendant
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
BRADEN J. DEAN
I.D. #31041-34

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

ORDER

Comes now the Court, the State of Indiana, by Nicholas C. McLeland, Prosecuting Attorney, having filed its' Motion Requesting Protective Order Governing Discovery, and the Court being duly advised in the premises, now grants said Motion and the State, the Defendant and Counsel for the Defendant, are now instructed and ORDERED as follows:

1. That one copy of the discovery material shall be provided to Counsel for the Defendant.
2. That no additional copies of the discovery material shall be made by the Defendant, Defendant's Counsel, investigator, expert or any other representative or agent of the Defendant for any reason.
3. That the discovery material shall not be used for any purpose other than to prepare for the defense in the above referenced cause number.
4. That the discovery material shall not be publicly exhibited, displayed, shown, used for educational, research or demonstrative purposes or used in any other manner, except in judicial proceedings in the above referenced action.
5. That the discovery material may be viewed only by parties, counsel and counsel's investigators and experts.
6. That if copies of the discovery material are made and provided to the Defendant, investigators or experts for the Defense, that sensitive and private information contained in the discovery shall be redacted, including any social security numbers, IDAC information or NCIC information, any information related to the personal information of juveniles, including social security numbers, names and date of birth and any FBI sentinel information.

7. That none of the discovery material shall be divulged to any person not authorized to view the discovery material; this includes other witnesses, family members, relatives and friends of the Defendant.

8. That no person other than the Defendant, Counsel for the Defendant and those persons listed in paragraph 5 shall be granted access to said discovery material, or the substance of any portion thereof unless that person has signed an agreement in writing that he or she has received a copy of this Order and that he or she submits to the Court's jurisdiction and authority with respect to the discovery; agrees to be subject to the Court's contempt powers for any violation of this Order; and is granted prior permission by this Court to access said discovery.

9. That upon final disposition of the case, the discovery material referred to in paragraph 1 and any and all transcripts shall be returned to the Carroll County Prosecutor's Office or maintained by Defense Counsel pursuant to the terms herein.

10. That Counsel for the Defendant shall be responsible to ensure that all persons involved in the defense of this case comply with this Order.

11. That the written documents/records provided by the State with the discovery material fall under the same rules as described above.

IT IS SO ORDERED this _____ day of February, 2023.

_____
Frances Gull, Special Judge
Carroll Circuit Court

Copy: State
Rozzi
Baldwin

Filed: 1/31/2023 1:25 PM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

STATE'S RESPONSE TO DEFENSE'S PETITION TO LET TO BAIL

Now comes the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, and respectfully files it's response to the Defendant's Petition to Let to Bail and would ask the Court to deny the same. The State of Indiana would ask the Court to not set bail or to release the Defendant on his own recognizance and would ask the Court to continue to hold the Defendant without bond. In support the following request, the State shows the following:

1. That charges were filed against the Defendant, Richard Allen, on October 28th, 2022, for 2 counts of Murder, in violation of I.C. 35-42-1-1(2).
2. That at the initial hearing, held on October 28th, 2022, the State of Indiana asked that the Defendant be held without bail and the Court ordered that the Defendant is to be held without bond.
3. That the Defendant filed a Petition to Let Bail on November 21st. 2022, stating that the proof of guilt is not evident, nor is the presumption of guilt strong that the Defendant is guilty of Murder.
4. That the Defense is asking that the Defendant be released on his own recognizance or that a reasonable bail be set.
5. That per the Carroll County Local Rules, the Defendant is presumed to be held without bond on the offense of Murder.
6. That the State believes there is competent evidence that the Court can rely on and from which the Court can make it's own independent determination that the admissible evidence against the accused adds up to strong and evident proof of guilt.
7. That the State believes the evidence shows culpability of the actual crime of

Murder, for which bail may be wholly denied.

8. That the State believes this evidence shows by a preponderance of the evidence that the Defendant committed the crime of Murder.

9. Under I.C. 35-33-8-2, the crime of Murder is not bailable if the State proves by a preponderance of the evidence that the proof is evident or the presumption strong that the Defendant committed the offense.

Wherefore, now comes the State of Indiana, by Prosecuting Attorney, Nicholas C McLeland, and files their response to the Defendant's Petition and asks the Court to deny the request, find that the State has met it's burden, and to hold the Defendant without bail until a trial can be held on this matter and for all other just and proper relief in the premises.

Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the Defendant's attorney of record, through personally delivery, ordinary mail with proper postage affixed or by service through the efiling system and filed with Carroll Circuit Court, this __30th _ day of January, 2023.

Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

Filed: 2/13/2023 11:04 AM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

STATE'S RESPONSE TO DEFENDANT'S MOTION TO CONTINUE BAIL HEARING AND JURY TRIAL SETTING

Now comes the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, and respectfully informs the Court that the State does not object to the Defendant's Motion to Continue Bail Hearing and Jury Trial Setting and in support of said motion states the following:

1. That Counsel for the Defendant filed a Motion to Continue Bail Hearing and Jury Trial Setting on February 7th, 2023.
2. That the State has no objection to continuing the Bail Hearing currently set for February 17th, 2023.
3. That the State has no objection to continuing the Jury Trial currently set for March 20th, 2023.
4. That the State has no objection to having those matters reset to a date and time that is convenient for all parties.

Wherefore, now comes the State of Indiana, by Prosecuting Attorney, Nicholas C McLeland, and files their response to the Defendant's Motion and has no objection to the Court granting said Motion to continue the Bail Hearing and the Jury Trial for this matter to a time convenient for all parties and for all other just and proper relief in the premises.

Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the Defendant's attorney of record, through personally delivery, ordinary mail with proper postage affixed or by service through the efiling system and filed with Carroll Circuit Court, this __13th _ day of February, 2023.

Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

Filed: 12/30/2022 11:57 AM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001
STATE OF INDIANA	)	
	)	
vs.	)	
	)	
RICHARD M. ALLEN	)	

SUPPLEMENTAL MOTION FOR DISCOVERY AND REQUEST FOR RULE 404 AND 405 EVIDENCE

The Defendant, by counsel, moves the State of Indiana to produce the following with regard to the above captioned cause of action to-wit:

1. The names and last known addresses of persons whom the State of Indiana intends to call as witnesses together with their written statements, recorded or taped statements, video taped statements, memoranda containing substantially verbatim reports of their oral statements and memoranda reporting or summarizing their oral statements, including but not limited to any person referred to as a "confidential informant" who offered up information that may lead to the discovery of relevant information in this cause.

2. The names and last known addresses of persons known by the State of Indiana to have knowledge pertinent to this cause of action but who the State of Indiana does not intend to call as witnesses.

3. Any and all written or recorded statements and the substance of any oral statements made by the accused, or by any other person alleging statements made by the Defendant, regardless of whether the State of Indiana intends to call such persons as a witness or

indicates the person is a confidential informant, and a list of witnesses to the making and acknowledgment of such statements.

4. Any and all reports or statements of experts or other individuals who conducted any test, experiment, examination, or comparison, made in connection with this particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons, whether the State intends to use these reports or statements or not.

5. A statement as to whether the Defendant, or any other person who participated in the alleged crime, was acting directly or indirectly at the investigation, or on the behalf of the State of Indiana, or one of its agents, and if so, state the names and addresses of said individuals.

6. A statement as to any consideration and benefits incurred or offered, the State of Indiana has given or intends to give any witness, in exchange for his/her testimony, including but not limited to monies paid, a change of prison accommodations and/or work station, or any state action that could reasonably effect the witness' bias, and disclosure of any and all State action its agents actions taken during the time the witness was cooperating.

7. The names and last known addresses of persons not intended to be called as the State of Indiana's witnesses but who have been questioned or interviewed by the State of Indiana or its agents in preparation of this case, together with their relevant written or recorded statements, including memoranda reporting or summarizing their oral statements and any record of prior criminal convictions.

8. Grand jury testimony of a witness, once he/she has testified. Lockridge v. State, 263 Ind. 678, 338 N.E.2d 275 (1975).

9. A summary of any statement or conversation made by or engaged in by the Defendant and overheard by any persons known to the State of Indiana and a list of any

witnesses who overheard such statements or conversations, together with any and all reports, documents, correspondence and/or videotapes made or received, together with a statement in writing as to whether there has been any electronic surveillance or recordings of conversation to which the Defendant was a party.

10. A statement as to whether any telephone calls were made by the Defendant following his arrest and whether the calls were taped or overheard by any persons known to the State of Indiana. If the call was taped, produce the tape recording or if the conversation was overheard, then produce a memorandum of the conversation overheard together with the names and addresses of all persons overhearing such conversation or conversations.

11. All phone records, books, papers, records, tapes, documents, photographs, video tapes and other tangible objects and evidence which the State of Indiana may use in the prosecution of this matter or which were obtained from or belonged to the Defendant, or any witness, whether as substantive or demonstrative evidence.

12. A record of arrests, criminal convictions and juvenile records which may be used of any witness who may be called by the State of Indiana, including but not limited to, the Defendant.

13. A record of arrests, criminal convictions and juvenile records which may be used of any witness who is listed on the defense witness list, including but not limited to, the Defendant.

14. True copies of all written case reports and all other written reports, notes, memoranda, maps, drawings or diagrams, written, drawn or otherwise prepared by the County Sheriff's Department, City Police Department, Indiana State Police Department, the Federal Bureau of Investigation, the County Medical Examiner's Office, and any other law enforcement

agency or any private individual in connection with or pertaining to the investigation of the crime charged against the Defendant.

15. A list of dates and times that the Defendant appeared in any lineups either in person or in a photo array, the names and addresses of persons who appeared in each of the lineups or photo arrays with the Defendant, the names and addresses of any persons who viewed the lineups or photo array as alleged witnesses or victims and what each of those persons stated regarding identification after viewing the lineups or photo arrays.

16. A statement as to whether or not the Defendant, any vehicle in which he had an interest or his residence were searched following his arrest either with or without a Search Warrant and, if so, a statement of information contained and the items seized as a result of the search. In addition, if the search was made pursuant to a Court authorized Search Warrant, produce a copy of the Search Warrant together with a copy of the Return. Further a statement regarding all areas searched in the investigation of this case, and a statement of information contained and the items seized as a result of the search. If the search was made by a court authorized search warrant, produce a copy of the warrant together with a copy of the return and a transcription of testimony at the probable cause hearing to obtain the search warrant. If any search was made by consent, produce a copy of the consent to search form. With regards to all searches made in connection with this investigation, produce all reports, receipts, inventories, documents, tapes, and other tangible objects and evidence collected, along with a statement concerning where the evidence is currently stored.

17. A statement in writing by the Prosecuting Attorney that he has or has no information touching upon any matter of law or fact favorable to and/or exculpatory of the Defendant or a written memorandum of such favorable or exculpatory information.

18. Any and all evidence in the possession or control of the State of Indiana or its agents which may be favorable to the Defendant and material to the issue of guilt or punishment or could reasonably weaken or affect any evidence proposed to be introduced against the Defendant or is relevant to the subject matter or the charge filed herein or which in any manner may aid the Defendant in the ascertainment of the truth.

19. Any and all demonstrative exhibits prepared by the State, its agents or experts, including but not limited to animations, charts, experiments, maps, reenactments.

20. Any report by any cellular carrier whose records were obtained to determine the location of where calls originated or were received by the identification of cellular tower sites.

21. Copies of any and all documents and audio/video records pertaining to any completed or ongoing litigation (whether threatened or filed in a court of law) involving the Carroll County Sheriff's Department, Tobe Leazenby, Tony Liggett, Michael Thomas or any other law enforcement or civilian employee who was named as a potential witness or participant in said litigation including, but not limited to, any negotiated settlement agreements resulting from said litigation.

22. Copies of any and all personnel files of Tobe Leazenby, Tony Liggett, and Michael Thomas related to their employment with the Carroll County Sheriff Department.

23. Copies of any and all documents and audio/video records pertaining to any completed or ongoing litigation (whether threatened or filed in a court of law) involving the Carroll County Sheriff's Department and the processing of any evidence in any criminal investigation dating back to February 13, 2017.

24. A complete list of any individuals who assisted in any way, with the investigation associated with the crimes alleged in this case, including the name, address and contact information of all individuals.

25. Documentation, photos, videos and/or audio recordings associated with any viewings facilitated by law enforcement authorities at or near the Freedom Bridge/Monon Trail involving persons of interest, suspects, or witnesses associated with the criminal charges lodged against Richard Allen in this matter.

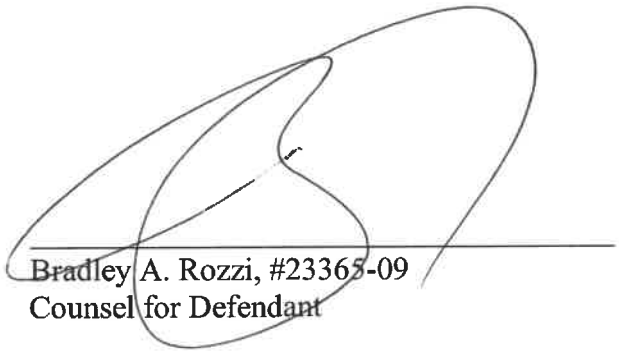
26. Pursuant to Rule 404 of the Indiana Rules of Evidence, you are requested to state the general nature of any evidence of other crimes, wrongs, or acts of the Defendant or any anticipated defense witness which the State intends to offer for any purpose, and state which exception the State would rely upon as contained in the Indiana Rules of Evidence Rule 404(b), for its admission. You are also requested to supply the names and last known addresses of all witnesses that may be called to testify as to any evidence of other crimes, wrongs or acts of the Defendant or any defense witness, and specify the other crime, wrong or act to which each witness may be testifying.

27. Pursuant to Rule 404 of the Indiana Rules of Evidence, you are requested to state the general nature of any evidence of other crimes, wrongs, or acts of any witness which the State may call to testify in this matter for any purpose.

28. Pursuant to Rule 405 of the Indiana Rules of Evidence you are requested to provide the undersigned with any and all relevant specific instances of conduct to be used by the State in cross examination relative to evidence of character or a trait of character of any person which is material to any of the criminal charges in this cause.

29. A copy of any information collected by or in the possession of the Prosecutor or his/her office pertaining to or informing him/her regarding any prospective jurors that might be called to serve in this case.

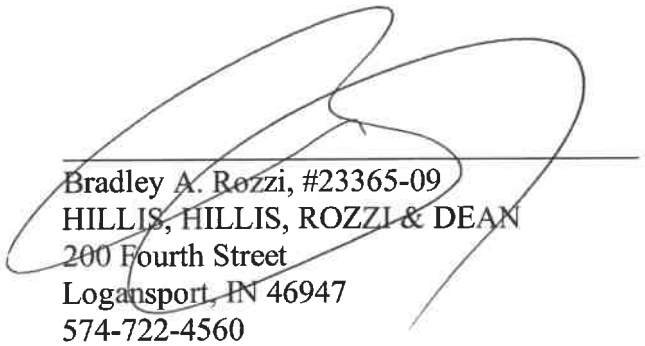
The disclosure and production shall be made without regard to whether the evidence to be disclosed and produced is deemed admissible at the trial herein. All responses shall be reasonably supplemented, corrected or amended when additional and/or different information and material becomes available.



Bradley A. Rozzi, #23365-09
Counsel for Defendant

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office and Andrew J. Baldwin the 30th day of December, 2022.



Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947
574-722-4560

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001
STATE OF INDIANA	)	
	)	
vs.	)	
	)	
RICHARD M. ALLEN	)	

DEFENDANT'S MOTION TO CONTINUE BAIL HEARING AND JURY TRIAL SETTING

Comes now the Defendant, Richard M. Allen, by Counsel, Bradley A. Rozzi, and respectfully requests that this Court continue the bail hearing and jury trial currently scheduled in this matter. In support of said Motion, Defendant Allen states as follows:

1. On November 21, 2022, Defendant Allen filed his Petition to Let Bail. Said Petition is scheduled for hearing on February 17, 2023, at 10:00 a.m.;

2. The defense has yet to receive the entirety of discovery from the State and therefore, is not yet prepared to proceed with the bail hearing;

3. The defense anticipates receiving the remaining discovery by the end of this week;

4. Defense Counsel believes that the volume of discovery is such that there will not be adequate time to review the discovery in preparation for the bail hearing;

5. Defendant Allen respectfully requests that the bail hearing scheduled on February 17, 2023, be lifted and reset on a date and time convenient for the Court and the parties;

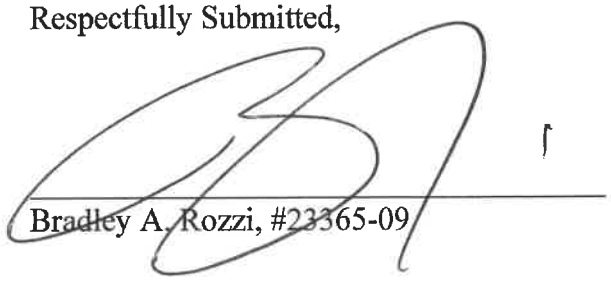
6. Defendant Allen also acknowledges that the jury trial is scheduled in this cause on March 20, 2023. The exchange and review of discovery, as referenced above, will necessitate that the jury trial be lifted and reset on a date and time convenient for all parties; and

7. Wherefore, Defendant Allen requests that both the bail hearing and jury trial dates be lifted and reset on dates and times convenient for the Court and the parties.

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
BRADEN J. DEAN
I.D. #31941-34

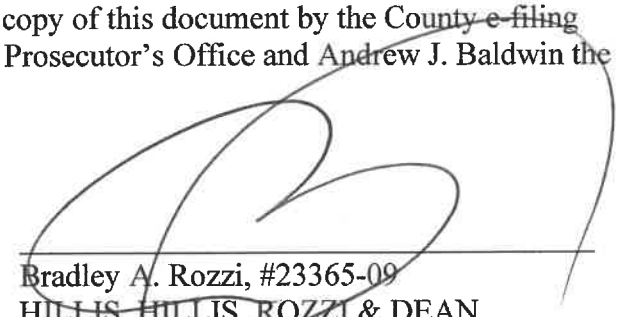
Respectfully Submitted,



Bradley A. Rozzi, #23365-09

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office and Andrew J. Baldwin the 7th day of February, 2023.



Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947
574-722-4560

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
BRADEN J. DEAN
I.D. #31941-34

Filed: 6/19/2023 9:48 PM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA,)
)
Plaintiff,)
)
v.)
)
RICHARD M. ALLEN,)
)
Defendant.)

APPEARANCE BY ATTORNEYS IN A CIVIL CASE

1. The undersigned attorneys now appear in this case for the following non-party member(s):

Indiana Department of Correction

Name, address, and telephone number of party *(see Question #5 below if this case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order)*:

Name: **Indiana Department of Correction**
Address: 302 W. Washington Street, Rm. W341
Indianapolis, IN 46204
Telephone: 317-234-9515

2. Attorney information for service as required by Trial Rule 5(B)(2):

Name: **Aaron M. Ridlen** Attorney No.: 31481-49
Address: OFFICE OF INDIANA ATTORNEY GENERAL TODD ROKITA
Indiana Government Center South, 5th Fl.
302 West Washington Street
Indianapolis, IN 46204-2770
Telephone: (317) 232-2826
Fax: (317) 232-7979
E-Mail: Aaron.Ridlen@atg.in.gov

Each attorney listed on this appearance:
(a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as to the date of this appearance;
(b) acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(B) will be sent to the attorney at the e-mail address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and
(c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

3. This is a MR Case Type under Administrative Rule 8(B)(3).

4. This case involves support issues: No.

5. This case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order: No.

6. This case involves a petition for involuntary commitment: No.

7. There are related cases: No.

8. Additional information required by Local Rule: Not applicable

9. There are other party members: No.

10. This form has been served on all other parties and Certificate of Service is attached: Yes.

Respectfully submitted,

THEODORE E. ROKITA
Attorney General of Indiana
Attorney No. 18857-49

Date: June 19, 2023

By: *s/ Aaron M. Ridlen*
Aaron M. Ridlen
Deputy Attorney General
Attorney No. 31481-49

By: *s/ Hannah M. Deters*
Hannah M. Deters
Deputy Attorney General
Attorney No. 36303-29

OFFICE OF INDIANA ATTORNEY GENERAL TODD ROKITA
302 West Washington Street – IGCS – 5th Floor
Indianapolis, IN 46204-2770
Telephone: (317) 232-2826
Facsimile: (317) 232-7979
E-mail: Aaron.Ridlen@atg.in.gov

CERTIFICATE OF SERVICE

I certify that on June 19, 2023, the foregoing document was served upon the following person(s) via IEFS, if Registered Users, or by depositing the foregoing document in the U.S. Mail, first class, postage prepaid, if exempt or non-registered user.

Bradley Anthony Rozzi
200 Fourth St.
Logansport, IN 46947
Attorney for Defendant

Nicholas C. McLeland
Carroll County Prosecutor
101 W. Main Street
Delphi, IN 46923

Andrew Joseph Baldwin
BALDWIN PERRY & KAMISH, P.C.
150 N Main Street
Franklin, IN 46131
Attorney for Defendant

By: *s/ Aaron M. Ridlen*
Aaron M. Ridlen
Deputy Attorney General
Attorney No. 31481-49

OFFICE OF INDIANA ATTORNEY GENERAL TODD ROKITA
302 West Washington Street – IGCS – 5th Floor
Indianapolis, IN 46204-2770
Telephone: (317) 232-2826
Facsimile: (317) 232-7979
E-mail: Aaron.Ridlen@atg.in.gov

APPEARANCE FORM –CONTINUATION PAGE

Case Number: 08C01-2210-MR-00001

First Name in Case Caption: STATE OF INDIANA

Continuation of Item # 2:

Name:	**Hannah M. Deters**	**Attorney No.: 36303-29**
Address:	OFFICE OF INDIANA ATTORNEY GENERAL TODD ROKITA Indiana Government Center South, 5th Floor 302 West Washington Street Indianapolis, IN 46204-2770	
Telephone:	(317) 234-8634	
Fax:	(317) 232-7979	
E-Mail:	Hannah.Deters@atg.in.gov	

APPEARANCE FORM

Case Number: 08C01-2210-MR-

1. Name of Defendant: Richard M. Allen
2. Case Type of proceeding: Murder
3. Prosecuting Attorney information:

Name:	Nicholas C. McLeland Shane M. Evans	Attorney No. Attorney No.	28300-08 34582-08
Address:	Courthouse, 2nd Floor 101 W. Main Street, Suite 205 Delphi, IN 46923	Phone: FAX:	(765) 564-4514 (765) 564-1871

4. Will the State accept service by FAX: Yes
5. Arrest report number (Originating Agency Case Number): Not Available
6. Transaction Control Number: Not Available
   State I.D. Number: Not Available
7. Additional information required by state or local rules:

Filed: 11/14/2022 2:49 PM
Carroll Circuit Court
Carroll County, Indiana

APPEARANCE
(PUBLIC DEFENDER)

Case Number: 08C01-2210-MR-000001

Caption: STATE OF INDIANA VS. RICHARD M. ALLEN

// Check if *Pro Se.* **NOTE:** ***This form is not required for pro se protective orders.***

1. RICHARD M. ALLEN
(*Name or names of responding party/parties)*

2. Address of ***pro se*** responding party or parties (as applicable for service of process):
Name: Name:
Address: Address:

3. Attorney information (as applicable for service of process):

Name: Bradley A. Rozzi
Address: 200 Fourth St.
Logansport, IN 46947

Atty Number: 23365-09
Telephone: 574-722-4560
Fax: 574-722-2659
Computer Address: brozzi30@yahoo.com

4. Will accept FAX service: Yes ___ No __X__

/s/ Bradley A. Rozzi
Bradley A. Rozzi, I.D. # 23365-09
HILLIS, HILLIS, ROZZI & DEAN

Certificate of Service

I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office the 14th day of November, 2022.

/s/ Bradley A. Rozzi
Bradley A. Rozzi
200 Fourth Street
Logansport, IN 46947
574-722-4560

Filed: 11/28/2022 9:40 PM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-00001

STATE OF INDIANA	)
	)
v.	)
	)
RICHARD ALLEN	)

VERIFIED MOTION FOR CHANGE OF VENUE FROM THE COUNTY

Comes now the accused, Richard Allen, by and through counsel Brad Rozzi and Andrew J. Baldwin and pursuant to Criminal Rule 12(A) of the Indiana Rules of Criminal Procedure, requests that this court change venue from Carroll County. In support of said motion, the accused and his counsel swears and affirms the following:

1. On October 28, 2022 the State of Indiana filed a probable cause affidavit and charging information alleging that Richard Allen murdered "Victim 1 and Victim 2" on or about February 13th, 2017.

2. That the allegations stem from the highly publicized death of two Carroll County teenagers.

3. That even before Richard Allen had been accused of these crimes, the matter had been highly publicized.

4. The extensive media attention began while the victims were missing.

5. The extensive media attention continued after the victims were found.

6. The extensive media attention continued for the next 80 months (5+ years) in a variety of formats, until Richard Allen was arrested:

    a. Coverage on local, statewide, and national television media.
    b. Coverage on local, statewide and national print media.
    c. Coverage on several podcasts that reach local, state, national and international audiences.

d. Coverage on the internet in a variety of social media platforms, including Twitter, Reddit, YouTube and Facebook.

7. The media coverage included multiple press conferences by state and local authorities, including press conferences in which the elected prosecutor participated.

8. The extensive media attention continued after Richard Allen was arrested, including the following:

    a. Coverage on local, statewide and national television media.
    b. Coverage on local, statewide, national and international print media.
    c. Coverage on a variety of social media platforms, including Twitter, YouTube, Reddit and Facebook.

9. After the arrest of Richard Allen, a press conference was held by state and local authorities.

10. Although it could be argued that the amount of publicity that this particular case has received in the past 5+ years will make it difficult to find a jury that has not heard of this case, Richard Allen's defense team has gleaned statistical data that would strongly indicate that moving the case/trial just 150 miles away would significantly reduce the likelihood of obtaining a tainted jury pool.

11. That since his arrest, data procured from "Google Trends" and "Google Ads" details the amount of internet interest through Google searches for "Richard Allen" and the data is quite telling:

    a. During the month of October, the search for "Richard Allen" in Carroll County ranged between 1,000 and 10,000 searches for a county with just over 20,000 residents.

    b. On average, around one in every two (50%) of Carroll County residents have conducted on-line searches of Richard Allen during the month of October following his arrest.

    c. Comparatively speaking, Fort Wayne is a city with over 260,000 residents, roughly thirteen times the size of Carroll County. In the month of October, following his arrest, the average monthly searches for "Richard Allen" in Fort Wayne ranged between 1,000 and 10,000 searches.

d. On average, therefore, 1 in every 26 (3.8462%) residents in Fort Wayne have performed an on-line search of "Richard Allen" compared to one in every two (50%) residents of Carroll County conducting the same internet search of "Richard Allen" after his arrest.

e. Fort Wayne is less than 100 miles from Delphi but in that 100 miles, internet searches fell from roughly 50% of residents in Carroll County googling "Richard Allen" to less than 5% of residents googling "Richard Allen. This would mean that Carroll County residents have searched "Richard Allen" over ten times more often than those residents in Fort Wayne, a city less than 100 miles from Delphi. Presumably, jury pools from counties even farther away would have searched "Richard Allen"

12. In addition, according to various sources, as many as 300 people were actively involved in the search of the two victims while they were missing.

13. The 2022 population of Delphi Indiana is under 3,000 residents and therefore it may be the case that as much as roughly 10% of the Delphi population was actively involved in participating for the search of the victims and presumably, therefore, arguably heavily invested in the matter and the outcome of the case.

14. Those involved in the search for the victims, in addition to showing a strong investment in the case, arguably could be called as a witnesses, or (at a minimum) their involvement in the search should prevent them from serving on the jury as they may have information concerning the layout of the area searched that could infect the jury, and have opinions based upon their involvement in the search for the victims.

15. Additionally, arguably any of the family and friends of anyone involved in the search for the victims could be tainted as well from serving on a jury.

16. Additionally, many Carroll County residents have been involved in some aspect of this case, whether it be in an investigative capacity (police), or as fact-witnesses that could be called as witnesses in the case, or those that searched for the victims, or residents who simply are interested in the matter and have conducted their own independent investigation.

17. Additionally, because of the small number of residents in Carroll County, juxtaposed against the large percentage of the population that may have been involved in one of the capacities detailed in the previous paragraph, the likelihood for a tainted jury pool is excessive.

18. During the five years following the disappearance of the victims, the Indiana State Police and other law enforcement agencies established an active command post in Delphi to conduct interviews and press conferences, all of which increased the interest in the investigation. This increased exposure lends itself to the tainting of jurors and increased possibility of a biased jury panel.

19. While it is impossible for the defense to accurately predict (having received only minimal discovery), it is likely that the law enforcement investigation has conducted possibly hundreds of interviews of potential witnesses and other community members that may or may not have information regarding the crime. Again, the raw number of people in the Carroll County community directly or indirectly involved with the investigation, juxtaposed with the small number of residents in Carroll County, render it impossible to find jurors without connection to the case or to someone involved in the case or without pre-conceived notions about Richard Allen's guilt or innocence.

20. Presumably, residents from other counties around Indiana (especially further away from Carroll County) will not include any residents who are fact witnesses or friends and family of fact witnesses or those involved in the investigation or those that have conducted their own investigation or participated in the search of the victims or who have entrenched opinions on the case based upon, in part, their knowledge of witnesses or facts from the case.

21. It is common sense to presume that residents from counties further away from Carroll County will not have the same level of investment in the case and therefore will be able to more fairly decide the matter without concern about how their verdict may affect their relationships with other Carroll County residents.

22. Additionally, the amount of media coverage of the case has been so extensive that the Court was compelled to engage numerous law enforcement personnel to ensure the safety and security of all actors, including the accused, from any actual or perceived threats of harm that surrounded a somewhat simple pretrial hearing in this case. Subjecting potential jurors to such an environment in what may be a multi-week trial would undoubtedly distract jurors to a point that impartiality could not be obtained.

23. Additionally, the fact that the prosecutor requested that the probable cause affidavit be sealed, and that the original sitting judge sua sponte recused himself from the case, is anecdotal evidence that both the prosecutor and prior judge also recognize the magnitude of interest and publicity in this case and the practical problems associated with the interest and publicity in Carroll County.

24. Additionally, Richard Allen was a community member who, for many years, worked at CVS in Delphi. As CVS is the type of business that is commonly visited by the general public, Richard Allen would have come in close contact with many of the Delphi and Carroll County citizens, creating another real concern of a high probability of bias among potential jurors in Carroll County.

25. That Richard Allen's defense team believes the best means to avoid a tainted jury pool and to receive a fair venire for both sides would be to venue the matter to a county at least 150 miles from Carroll County and to conduct the jury trial in the chosen county.

I swear under penalties of perjury that the statements contained in this pleading are true and accurate to the best of my knowledge.

Richard Allen

Andrew J. Baldwin
Attorney for Richard Allen

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing pleading has been provided to all counsel of record for the opposing party, via IEFS, the same day of filing.

Andrew J. Baldwin

Filed: 11/14/2022 1:58 PM
Carroll Circuit Court
Carroll County, Indiana

CO-COUNSEL APPEARANCE FORM (CRIMINAL)
Defendant

COURT: CARROLL COUNTY CIRCUIT COURT

CASE NUMBER: 08C01-2210-MR-000001

1. Name of Defendant(s): **Richard M Allen**

2. Defense attorney information (as applicable for service):

CO-COUNSEL:
Andrew J. Baldwin Atty. No. 17851-41 andrew@criminaldefenseteam.com

BALDWIN PERRY & KAMISH, P.C.
150 N. Main Street
Franklin, Indiana 46131
Phone: 317-736-0053
Fax: 317-816-4791

3. Will Defendant accept fax service: **Yes**

4. Additional information required by State or Local Rule: **N/A**

Respectfully submitted,
BALDWIN PERRY & KAMISH, P.C.

/s/ *Andrew Baldwin*
Andrew Baldwin
Attorney for Defendant

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing pleading has been provided to all counsel of record via IEFS this same day of filing.

/s/ *Andrew Baldwin*
BALDWIN PERRY & KAMISH, P.C.

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)SS:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001
	)	
STATE OF INDIANA	)	
	)	
v.	)	
	)	
RICHARD ALLEN	)	

ORDER

Comes now Defendant, by counsel, having filed Moton to Convert Let Bail Hearing into Suppression Hearing, and the Court being duly advised in the premises, now finds that this motion should be GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Let Bail Hearing scheduled for June 15, 2023 at 8:30 a.m. be converted into a Suppression Hearing.

Date: _____

_____
Frances C. Gull, Special Judge
Carroll Circuit Court

Distribution:
Carroll County Prosecutor's Office
BALDWIN PERRY & WILEY, P.C.

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)SS:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001
	)	
STATE OF INDIANA	)	
	)	
v.	)	
	)	
RICHARD ALLEN	)	

MOTION TO CONVERT LET BAIL HEARING INTO SUPPRESSION HEARING

Comes now the Accused, by counsel, and moves this Court to convert the hearing, that is currently scheduled for June 15, 2023, from a Let Bail Hearing into a Suppression Hearing. In support of this motion, the Accused states the following:

1. That currently, this matter is set for a Let Bail Hearing on June 15, 2023.
2. For a variety or reasons, counsel for the Accused requests that the Let Bail Hearing be converted to a Suppression Hearing.
3. That the Accused files contemporaneously his Motion to Suppress Fruits of the Search of 1967 North Whiteman Drive, Delphi, Indiana.
4. That counsel for the Accused believes that a hearing on said motion should last no more than four (4) hours in terms of testimony and argument that the defense will be presenting.

WHEREFORE, the Accused requests this Court to convert the hearing currently scheduled for June 15, 2023 from a Let Bail Hearing to a Suppression Hearing.

Respectfully submitted,

/s/ *Andrew Baldwin*
Andrew Baldwin, Atty. No.17851-41
Counsel for Defendant
BALDWIN PERRY & WILEY, P.C.
150 N. Main St.
Franklin, Indiana 46131
317-736-0053

CERTIFICATE OF SERVICE

This is to certify a copy of the foregoing pleading has been provided to all counsel of record for the opposing party, via IEFS this same day of filing.

/s/ *Andrew Baldwin*
BALDWIN PERRY & WILEY, P.C.

To: Carroll Circuit Court and those associated

RE: Cause No. 08C01-2210-MR-1

In the cause listed above I, Richard M. Allen, Hereby throw myself at the mercy of the Court. I am begging to be provide with legal assistance in a Public Defender or whatever help is available.

At my initial hearing on Oct 28, 2022 I asked to find representation for myself. However, at the time I had no clue how expensive it would be just to talk to someone. I also did not realize what my wife and I's immediate financial situation was going to be. We have both been forced to immediately abandon employment, myself due to incarceration and my wife for her personal safety. She has had to abandon our house for her own safety. What little reserve there is will fail to even maintain the original residence.

Again I throw myself at the mercy of the court. Please provide me whatever assistance you may.

Thank you for your time in this most urgent matter.

Sincerely,

[signature]

Richard M. Allen

Richard M. Allen
White County Jail
915915 W. Hanawalt Rd
Monticello IN 47960

MAILED FROM
WHITE COUNTY JAIL

INDIANAPOLIS IN 460
1 NOV 2022 PM 2 L

FILED
NOV 07 2022
Sharon E. McAbee
CLERK CARROLL CIRCUIT COURT

ENERGY
ACTION
MONTH
USA FOREVER

RETURN TO SENDER
NO LONGER IN CUSTODY
AT WHITE COUNTY JAIL

MAILED FROM
WHITE COUNTY JAIL

Carroll Circuit Court
3rd floor Courthouse
Delphi, IN 46923

RETURN TO SENDER
NO LONGER IN CUSTODY
AT WHITE COUNTY JAIL

MAILED FROM
WHITE COUNTY JAIL

46923$9999

11/04

"Copy"

FILED
APR 28 2023
CLERK CARROLL CIRCUIT COURT

DEAR CLERK OF COURTS, Sharon E. Niebuhr April 11, 2023

I AM A INMATE AT WESTVILLE CORR. FAC. IN THE SAME UNIT THAT RICHARD ALLEN IS BEING HOUSED IN AWAITING TRIAL. RICHARD ALLEN IS BEING ABUSED AND MISTREATED ALONG WITH OTHER INMATES IN WESTVILLE CONTROL UNIT RESTRICTIVE HOUSING. THERE ARE CORRUPT OFFICERS AND RANKING OFFICERS CALLING RICHARD ALLEN A KID KILLER, TEASING HIM THAT HE HAS A VISIT FROM HIS FAMILY, PHONE IS RINGING ON HIS GTL-TABLET, INMATES IN CELLS A1-102 LOGAN OSBOURNE, A2-207 INMATE RILEY, INMATE CELL A2-204, AND A2-205 THREATENING TO KILL RICHARD ALLEN AND TELLING HIM TO KILL HIMSELF AND THESE INMATES HAVE MADE THESE COMMENTS IN FRONT OF WARDEN JOHN GALLIPEAU, RANKING OFFICERS, AND OFFICERS. THE STAFF HAS RECORDED ON CAMERA THESE INMATES MAKING THESE THREATS AND SUGGESTIONS TO KILL HIMSELF AND HAS DONE NOTHING TO STOP IT.

[NEXT PAGE 2]

I have proof and evidence of assaults by ranking officers and officers on inmates, abuse and mistreatment in Grievance and the Governor's Office of Ombudsman Bureau that have been mishandled and covered-up because the Indiana Dept. of Corr. is allowed to "Police" itself with their Office of Investigation & Intelligence.

I recently sent letters to the U.S. Dept. of Justice from Indiana State Representative Dr. Vernon G. Smith and from the U.S. Senate Judiciary Committee concerning the D.O.J. and F.B.I. mishandling complaints on the Indiana Dept. of Correction and their facilities.

On March 21, 2023 while in the same unit as Richard Allen I attempted suicide and spent three [3dys] in the hospital due to staff and officer abuse and mistreatment. On April 9, 2022 I attempted suicide and spent four [4dys.] in hospital intensive care unit.

[TURN-OVER PAGE 3]

The I.D.O.C. OR their mental health provider has provided me "NO" mental health help OR treatment.

I correspond with a New York Times Investigative Reporter and her team at the University School of Law and have made them aware of the assaults, abuse, and mistreatment going on here at Westville Corr. Fac. and other I.D.O.C. facilities.

Please forward this letter to the judge in Richard Allen's case and to his Attorneys because I have wrote to the organizations mentioned to expose the assaults, abuse, and mis-treatment.

Respectfully Submitted
& Sincerely,
Robert P. Barton
Robert P. Barton #209210
Westville Corr. Fac. - A-2-206
5501 South 1100 West
Westville, Indiana 46391

P.S. - Richard Allen's Attorneys just exposed the abuse & mistreatment in the news media and filed an emergency petition in the court.

Name: Robert P. Baston W.C.U./R.H.U

D.O.C.: 209210 Location A2-206

INDIANA DEPARTMENT OF CORRECTION
WESTVILLE CORRECTIONAL FACILITY
5501 South 1100 West
WESTVILLE, IN 46391

THIS IDENTIFIES THIS CORRESPONDENCE AS HAVING BEEN MAILED BY AN OFFENDER INCARCERATED AT THE ABOVE CORRECTIONAL INSTITUTION. "WARNING" NOT RESPONSIBLE FOR CONTENTS. ANY ENCLOSED MONEY ORDERS SHOULD BE REFERRED TO YOUR LOCAL POST-MASTER BEFORE CASHING.

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Sharon E. Mielburn

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Delphi, IN. 46923

"LEGAL MAIL"

46923-159556

Already Sealed
4/20/2023
DS

KH

EXHIBIT 1

Filed: 11/23/2022 9:49 AM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL COUNTY CIRCUIT COURT
	) SS:	
COUNTY OF MARION	)	CAUSE NO. 08C01-2210-MR-000001
STATE OF INDIANA		)
		)
Plaintiff,		)
		)
v.		)
		)
RICHARD M. ALLEN		)
		)
Defendant.		)

MEDIA INTERVENORS' POST-HEARING BRIEF SEEKING PUBLIC ACCESS TO PROBABLE CAUSE AFFIDAVIT AND CHARGING INFORMATION

The Media Intervenors[1] submit this Post-Hearing Brief following the November 22, 2022 public hearing (the "Public Hearing") on the State's Verified Request to Prohibit Public Access to a Court Record (the "Motion"). This Post-Hearing Brief addresses three points in response to the State's arguments presented at the Public Hearing.

I. Media Intervenors Are Not Looking for A "Soundbite."

During the Public Hearing, the State trivialized the media's interests by referring to "extraordinary lengths" taken to get a "soundbite." The Media Intervenors' interests are not so trivial—quite the opposite. The media, as the Fourth Estate, serves the public by reporting on matters of keen public interest (such as the Defendant's arrest and charges), promoting transparency, and holding the government accountable. *See Cox Broad. Corp. v. Cohn*, 420 U.S. 469, 495 (1975) (emphasis added) ("With respect to judicial proceedings in particular, the function

[1] The term "Media Intervenors" refers to the following entities collectively: Indiana Broadcasters Association, Inc.; Hoosier State Press Association, Inc.; The Associated Press; Circle City Broadcasting I, LLC d/b/a WISH-TV; E.W. Scripps Company d/b/a WRTV; Nexstar Media Inc. d/b/a WXIN/WTTV; Neuhoff Media Lafayette, LLC; Woof Boom Radio LLC; TEGNA Inc. d/b/a WTHR; Gannett Satellite Information Network, LLC d/b/a The Indianapolis Star; and American Broadcasting Companies, Inc. d/b/a ABC News.

of the press serves to guarantee the fairness of trials and to bring to bear the beneficial effects of public scrutiny upon the administration of justice."). When the government denies access to full information, it is not only the media's job, but its *responsibility*, to seek what little information it can obtain. Full access would improve the depth of reporting, avoid misinformation, and promote accountability.

In sum, the Media Intervenors' newsgathering efforts should not be cast as a nuisance, or worse, actively discouraged. Doing so would undermine the Media Intervenors' federal and state constitutional rights and Indiana's public policy favoring access.

II. Concerns Regarding Safety and Further Investigations Do Not Warrant Exclusion.

The State during the Public Hearing acknowledged the public's "right to know" but suggested that the "cost" was too high to allow it. In so doing, the State downplayed the significant costs of *nondisclosure*, as outlined above, which are central to democratic society.

In any event, the State's arguments regarding the "costs" of disclosure do not rebut the presumption of access. *See* Commentary to Rule 6 (explaining that Rule 6 "incorporates a presumption of openness and requires compelling evidence to overcome this presumption").

First, as to the State's concern for the ongoing investigation: Though the State indicated that actors *other* than the Defendant may have be involved in the alleged crimes, the State apparently has conducted sufficient investigation *as to the Defendant himself* to charge him with double felony murder. The State may continue investigating other actors while disclosing why the Defendant was charged. The supporting information should not be kept under the rug for months or years on-end.

Second, to the extent there is a concern for witness harassment or courtroom decorum, the course of the Public Hearing demonstrated that the Court and law enforcement were well-equipped

to implement appropriate security measures, and the public was able to abide by the Court's rules for decorum. As for witnesses outside the courtroom setting, the State has already provided the Court a copy of the Probable Cause Affidavit with their names redacted. At minimum, the Court can (and should) release the redacted copy without compromising witness privacy.

III. These Proceedings Should Not Be Cloaked in Secrecy Until A Verdict.

Finally, the State's concern for witness privacy suggests that the State may ask for future hearings—or even the trial itself—to be blocked from public access. If the public is to accept the ultimate result of any trial, this is not a realistic solution. *See Richmond*, 448 U.S. at 572 ("People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing"). A public trial and public proceedings are essential to ensure justice for the victims, fairness to the accused, and overall legitimacy of the process. No matter the ultimate result, the public needs to be apprised of the process along the way. If the Defendant is acquitted or enters into a plea agreement, the public needs to know why to ensure the government is doing its job. If the Defendant is found guilty, the public needs to know why to ensure that the government is delivering justice. There are too many instances in our nation's short history of criminal sanctions being handed down without appropriate process and public oversight. This is not an occasion to return to that practice.

Respectfully submitted,

/s/ Margaret M. Christensen
Daniel P. Byron, # 3067-49
Margaret M. Christensen, # 27061-49
Jessica Laurin Meek, # 34677-53
DENTONS BINGHAM GREENEBAUM LLP
2700 Market Tower
10 West Market Street
Indianapolis, IN 46204-4900

Telephone: (317) 635-8900
Facsimile: (317) 236-9907
dan.byron@dentons.com
margaret.christensen@dentons.com
jessica.meek@dentons.com

Attorneys for Indiana Broadcasters Association, Inc.; Hoosier State Press Association, Inc.; The Associated Press; Circle City Broadcasting I, LLC d/b/a WISH-TV; E.W. Scripps Company d/b/a WRTV; Nexstar Media Inc. d/b/a WXIN/WTTV; Neuhoff Media Lafayette, LLC; Woof Boom Radio LLC; TEGNA Inc. d/b/a WTHR; Gannett Satellite Information Indiana Newspapers, LLC d/b/a The Indianapolis Star; and American Broadcasting Companies, Inc. d/b/a ABC News

CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2022, the foregoing was filed with the Clerk of the Carroll County Circuit Court and served to all counsel of record via IEFS.

/s/ Margaret M. Christensen

EXHIBIT A

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
vs.	)
	)
RICHARD M. ALLEN	)

NOTICE OF DISCOVERY

Comes now the Defendant, Richard Allen, by Counsel, Bradley A. Rozzi, and serves upon the Indiana Department of Corrections, c/o Westville Correctional Facility, 5501 S 1100 W, Westville, IN 46391, a Subpoena and Request for Production to Non-Party to be answered within thirty (30) days from the date of service. See attached.

Bradley A. Rozzi, Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by first class U.S. Mail, postage prepaid upon Indiana Department of Corrections, c/o Westville Correctional Facility, 5501 S 1100 W, Westville, IN 46391 and by the County e-filing system upon the Carroll County Prosecutor's Office and Andrew J. Baldwin, the 19th day of May, 2023.

Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
BRADEN J. DEAN
I.D. #31941-34

EXHIBIT A

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
vs.	)
	)
RICHARD M. ALLEN	)

SUBPOENA

THE STATE OF INDIANA, TO THE SHERIFF, GREETINGS:

You are hereby commanded to summon the **Indiana Department of Corrections, c/o Westville Correctional Facility, 5501 S 1100 W, Westville, IN 46391**, to permit Attorney, Bradley A. Rozzi, Attorney, Andrew J. Baldwin, and their agents to enter onto the Westville Correctional Facility for the purpose of inspecting, measuring, surveying, and photographing the individual cell block(s), and surrounding facility, wherein Defendant Richard Allen has been continuously incarcerated since November of 2022. Said event shall occur within thirty (30) days of the issuance of this Subpoena as referenced below.

WITNESS, this 19th day of May, 2023.

HILLIS, HILLIS, ROZZI & DEAN

By: _____
Bradley A. Rozzi, Attorney for Defendant
200 Fourth Street
Logansport, IN 46947
574-722-4560

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23865-09
BRADEN J. DEAN
I.D. #31941-34

EXHIBIT A

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001
STATE OF INDIANA	)	
	)	
vs.	)	
	)	
RICHARD M. ALLEN	)	

REQUEST FOR PRODUCTION TO NON-PARTY

Pursuant to Trial Rule 34 (A)(2) of the Indiana Rules of Trial Procedure, attorney Bradley A. Rozzi requests, **Indiana Department of Corrections, c/o Westville Correctional Facility, 5501 S 1100 W, Westville, IN 46391**, a Non-Party, to produce and permit the examination of the following:

> To permit entry onto designated land or other property in the possession or control of the Indiana Department of Corrections (c/o Westville Correctional Facility) for the purpose of inspecting, measuring, surveying, and photographing the individual cell block(s), and surrounding facility, wherein Defendant Allen has been continuously incarcerated since November of 2022 pursuant to the Safekeeping Order entered herein on November 3, 2022.
>
> Attorney, Bradley A. Rozzi, Attorney, Andrew J. Baldwin, and their agent are available to inspect the premises, upon reasonable notice, Monday through Friday from 8:00 a.m. to 5:00 p.m. or on any other time convenient for the Department of Corrections and Movants.

Bradley A. Rozzi requests that such production be made to Bradley A. Rozzi, by mailing a copy of said documents to Bradley A. Rozzi, 200 Fourth Street, Logansport, Indiana 46947.

This Request for Production is made pursuant to Trial Rule 34(C), and the producing party is entitled to security against damages or payment of damages resulting from this request and may respond to this request by submitting to its terms, by proposing different terms, by objecting specifically or generally to this request by serving a written response or by moving to quash as permitted by Trial Rule 45(B).

Failure to respond to this Request for Production or to object to it or to move to quash, as provided by the Indiana Rules of Civil Procedure within (30) days from its receipt, may subject producing party to a Motion for Sanctions, pursuant to Trial Rule 37 of the Indiana Rules of Trial Procedure.

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
BRADEN J. DEAN
I.D. #31941-34

EXHIBIT A

HILLIS, HILLIS, ROZZI & DEAN

By: _____
Bradley A. Rozzi, Attorney for Defendant
200 Fourth Street
Logansport, IN 46947

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by first class U.S. Mail, postage prepaid upon Indiana Department of Corrections, c/o Westville Correctional Facility, 5501 S 1100 W, Westville, IN 46391 and the Carroll County Prosecutor's Office, the 17th day of May, 2023.

_____
Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN

HILLIS, HILLIS, ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
BRADEN J. DEAN
I.D. #31941-34

EXHIBIT A

STATE OF INDIANA

COUNTY OF CARROLL, SS:

STATE OF INDIANA

VS

RICHARD M. ALLEN
DOB: 9/9/1972
SSN: XXX-XX-3934

CARROLL CIRCUIT COURT

CAUSE NUMBER 08C01-2210-MR- 1

INFORMATION

FILED
OCT 28 2022
Sharon E. Mieburn
CLERK CARROLL CIRCUIT COURT

COUNT 1:
MURDER
a Felony I.C. 35-42-1-1(2)

Nicholas C. McLeland, being first duly sworn upon his oath, says that on or about February 13, 2017, in the County of Carroll, the State of Indiana, Richard M. Allen, did kill another human being, to wit: Victim 1; while committing or attempting to commit kidnapping of Victim 1.

All of which is contrary to the form of the statute in such cases made and provided, to-wit: I.C. 35-42-1-1(2), and against the peace and dignity of the State of Indiana.

I affirm, under the penalty of perjury as specified in I.C. 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas C. McLeland

Nicholas C. McLeland

Approved by me this date, October 27, 2022.

My term expires: December 31, 2022

/s/ Nicholas C. McLeland

Nicholas C. McLeland

Witnesses:

Kathy Allen	Betsy Blair
Sarah Carbaugh	Kelsi German
Stephen Buckley	Matthew Clemans
Jeremy Clinton	Dan C. Dulin
Josh Edwards	Jay Harper
Brian Harshman	Jerry Holeman
William Kauffers	Tony Liggett
Wesley McWhirter	Stephen Mullin
Melissa Oberg	Terry Wilson
A.J. Smith	David Vido
A.S.	R.V.
B.W.	

Bench Warrant to issue; bond is set at $_____

Judge, Carroll Circuit Court

STATE OF INDIANA
COUNTY OF CARROLL, SS:
STATE OF INDIANA
VS
RICHARD M. ALLEN
DOB: 9/9/1972
SSN: XXX-XX-3934

CARROLL CIRCUIT COURT
CAUSE NUMBER 08C01-2210-MR-
INFORMATION

FILED
OCT 28 2022
Sharon E. Miebuhr
CLERK CARROLL CIRCUIT COURT

COUNT 2:
MURDER
a Felony I.C. 35-42-1-1(2)

Nicholas C. McLeland, being first duly sworn upon his oath, says that on or about February 13, 2017, in the County of Carroll, the State of Indiana, Richard M. Allen, did kill another human being, to wit: Victim 2; while committing or attempting to commit kidnapping of Victim 2.

All of which is contrary to the form of the statute in such cases made and provided, to-wit: I.C. 35-42-1-1(2), and against the peace and dignity of the State of Indiana.

I affirm, under the penalty of perjury as specified in I.C. 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas C. McLeland
Nicholas C. McLeland

Approved by me this date, October 27, 2022.

My term expires: December 31, 2022

/s/ Nicholas C. McLeland
Nicholas C. McLeland

Witnesses:

Kathy Allen	Betsy Blair
Sarah Carbaugh	Kelsi German
Stephen Buckley	Matthew Clemans
Jeremy Clinton	Dan C. Dulin
Josh Edwards	Jay Harper
Brian Harshman	Jerry Holeman
William Kauffers	Tony Liggett
Wesley McWhirter	Stephen Mullin
Melissa Oberg	Terry Wilson
A.J. Smith	David Vido
A.S.	R.V.
B.W.	

Bench Warrant to issue; bond is set at $_____

Judge, Carroll Circuit Court

STATE OF INDIANA
COUNTY OF CARROLL, SS:
STATE OF INDIANA
VS
RICHARD M. ALLEN
DOB: 9/9/1972
SSN: XXX-XX-3934

CARROLL CIRCUIT COURT
CAUSE NUMBER 08C01-2210-MR-01
INFORMATION

COUNT 1:
MURDER
a Felony I.C. 35-42-1-1(2)

Nicholas C. McLeland, being first duly sworn upon his oath, says that on or about February 13, 2017, in the County of Carroll, the State of Indiana, Richard M. Allen, did kill another human being, to wit: Victim 1; while committing or attempting to commit kidnapping of Victim 1.

All of which is contrary to the form of the statute in such cases made and provided, to-wit: I.C. 35-42-1-1(2), and against the peace and dignity of the State of Indiana.

I affirm, under the penalty of perjury as specified in I.C. 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas C. McLeland
Nicholas C. McLeland

Approved by me this date, October 27, 2022.

My term expires: December 31, 2022

/s/ Nicholas C. McLeland
Nicholas C. McLeland

Witnesses:

Bench Warrant to issue; bond is set at $_____

Judge, Carroll Circuit Court

STATE OF INDIANA
COUNTY OF CARROLL, SS:
STATE OF INDIANA
VS
RICHARD M. ALLEN
DOB: 9/9/1972
SSN: XXX-XX-3934

CARROLL CIRCUIT COURT
CAUSE NUMBER 08C01-2210-MR-01
INFORMATION

COUNT 2:
MURDER
a Felony I.C. 35-42-1-1(2)

Nicholas C. McLeland, being first duly sworn upon his oath, says that on or about February 13, 2017, in the County of Carroll, the State of Indiana, Richard M. Allen, did kill another human being, to wit: Victim 2; while committing or attempting to commit kidnapping of Victim 2.

All of which is contrary to the form of the statute in such cases made and provided, to-wit: I.C. 35-42-1-1(2), and against the peace and dignity of the State of Indiana.

I affirm, under the penalty of perjury as specified in I.C. 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas C. McLeland
Nicholas C. McLeland

Approved by me this date, October 27, 2022.

My term expires: December 31, 2022

/s/ Nicholas C. McLeland
Nicholas C. McLeland

Witnesses:

Bench Warrant to issue; bond is set at $_____

Judge, Carroll Circuit Court

Filed: 11/21/2022 3:59 PM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL COUNTY CIRCUIT COURT
	) SS:	
COUNTY OF MARION	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
Plaintiffs,	)
	)
v.	)
	)
RICHARD M. ALLEN	)
	)
Defendants.	)

LIMITED APPEARANCE BY ATTORNEYS

Party Classification: Initiating __ Responding __ Intervening _X_ Substitution__

1. **The undersigned attorney and all attorneys listed on this form now appear in this case for the limited purpose challenging the provisional sealing of the probable cause affidavit and charging information in the above-captioned cause pending the November 22, 2022 public hearing on the matter. This limited appearance is on behalf of the following party member(s):**

INDIANA BROADCASTERS ASSOCIATION;
HOOSIER STATE PRESS ASSOCIATION, INC.;
THE ASSOCIATED PRESS;
CIRCLE CITY BROADCASTING I, LLC D/B/A WISH-TV;
E.W. SCRIPPS COMPANY D/B/A WRTV;
NEXSTAR MEDIA INC. D/B/A WXIN/WTTV;
TEGNA INC. D/B/A WTHR;
GANNETT SATELLITE INFORMATION INDIANA NEWSPAPERS, LLC D/B/A THE INDIANAPOLIS STAR;
AMERICAN BROADCASTING COMPANIES, INC. D/B/A ABC NEWS;
NEUHOFF MEDIA LAFAYETTE, LLC; and
WOOF BOOM RADIO LLC

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Name: **Daniel P. Byron** **Attorney No.: 3067-49**
Margaret M. Christensen **Attorney No.: 27061-49**
Jessica Laurin Meek **Attorney No.: 34677-53**

Address: **DENTONS BINGHAM GREENEBAUM LLP**
2700 Market Tower
10 West Market Street
Indianapolis, IN 46204
Phone: 317-635-8900

Fax: 317-236-9907
dan.byron@dentons.com
margaret.christensen@dentons.com
jessica.meek@dentons.com

3. There are other party members: Yes __ No **X** (If yes, list on continuation page.)

4. If first initiating party filing this case, the Clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3):

5. I will accept service by FAX at the above noted number: Yes ___ No **X**

6. This case involves support issues. Yes __ No **X** (If yes, supply social security numbers for all family members on continuation page.)

7. There are related cases: Yes __ No **X** (If yes, list on continuation page.)

8. This form has been served on all other parties. **Yes.**

9. Additional information required by local rule: **Not applicable.**

Respectfully submitted,

/s/ Margaret M. Christensen
Daniel P. Byron, #3067.49
Margaret M. Christensen, # 27061-49
Jessica L. Meek, #34677-53
Dentons Bingham Greenebaum LLP
2700 Market Tower
10 West Market Street
Indianapolis, IN 46204-4900
Telephone: (317) 635-8900
Facsimile: (317) 236-9907
dan.byron@dentons.com
margaret.christensen@dentons.com
jessica.meek@dentons.com

Attorneys for Indiana Broadcasters Association, Inc.; Hoosier State Press Association, Inc.; The Associated Press; Circle City Broadcasting I, LLC d/b/a WISH-TV; E.W. Scripps Company d/b/a WRTV; Nexstar Media Inc. d/b/a WXIN/WTTV; TEGNA Inc. d/b/a WTHR; Gannett Satellite Information Indiana Newspapers, LLC d/b/a The Indianapolis Star; American Broadcasting Companies, Inc. d/b/a ABC News; Neuhoff Media Lafayette, LLC; and Woof Boom Radio LLC

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2022, the foregoing was filed with the Clerk of the Carroll County Circuit Court and served via IEFS.

/s/ Margaret M. Christensen

Filed: 6/8/2023 4:47 PM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA)	IN THE CIRCUIT COURT
) SS:	
CARROLL COUNTY)	OF CARROLL COUNTY
STATE OF INDIANA)	
)	
V.)	CAUSE NO. 08C01-2210-MR-1
)	
RICHARD ALLEN)	

LIMITED APPEARANCE BY ATTORNEY

Party Classification: Initiating __ Responding __ Intervening _X_ Substitution__

1. The undersigned attorney listed on this form now appears in this case for the limited purpose of requesting public access to court records. This limited appearance is on behalf of the following party member:

MYSTERY SHEET LLC doing business as MURDER SHEET

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Name: Kevin Greenlee
9783 E 116th Street #141
Fishers, IN 46037
kevingreenlee@gmail.com
(317) 840-2252

3. There are other party members: Yes __ No _X_ (If yes, list on continuation page.)

4. If first initiating party filing this case, the Clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3):

5. I will accept service by EMAIL at the above noted email address: Yes

6. This case involves support issues. Yes __ No _X_ (If yes, supply social security numbers for all family members on continuation page.)

7. There are related cases: Yes __ No _X_ (If yes, list on continuation page.)

Respectfully submitted,

/s/ Kevin Greenlee

Kevin Greenlee 22983-03
9783 E 116th Street #141
Fishers, IN 46037
kevingreenlee@gmail.com
(317) 840-2252

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on the State of Indiana, by eService, on the date of filing.

/s/Kevin Greenlee
Kevin Greenlee 22983-03

Filed: 11/23/2022 9:49 AM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL COUNTY CIRCUIT COURT
	) SS:	
COUNTY OF MARION	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
Plaintiff,	)
	)
v.	)
	)
RICHARD M. ALLEN	)
	)
Defendant.	)

MEDIA INTERVENORS' MOTION FOR LEAVE TO INTERVENE

The Media Intervenors,[1] by counsel, respectfully submit this Motion for Leave to Intervene in the above-captioned cause. In support, the Media Intervenors state the following:

1. On November 2, 2022, the Court entered its *Order Acknowledging Public Hearing* ("Public Hearing Order") on the State's Verified Request to Prohibit Public Access to the Probable Cause Affidavit and Charging Information.

2. That Public Hearing Order stated that the hearing would take place on November 22, 2022 (the "Public Hearing") and would "be conducted pursuant to Ind. Code § 5-14-3-5.5 and Indiana Rules of Court, Rules on Access to Court Records, Rule 6."[2]

[1] The "Media Intervenors" refer to the following entities collectively: Indiana Broadcasters Association, Inc.; Hoosier State Press Association, Inc.; The Associated Press; Circle City Broadcasting I, LLC d/b/a WISH-TV; E.W. Scripps Company d/b/a WRTV; Nexstar Media Inc. d/b/a WXIN/WTTV; Neuhoff Media Lafayette, LLC; Woof Boom Radio LLC; TEGNA Inc. d/b/a WTHR; Gannett Satellite Information Network, LLC d/b/a The Indianapolis Star; and American Broadcasting Companies, Inc. d/b/a ABC News.

[2] Rule 6 applies in "extraordinary circumstances" where a court record "that otherwise would be publicly accessible" is requested to be excluded from public access. *See* Rule 6(A). Ind. Code § 5-14-3-5.5 applies when the court receives a request to seal a public record that is "not declared confidential under [Ind. Code § 5-14-3-4(a)]" (i.e. public records that are mandatorily excepted from disclosure).

3. The Public Hearing Order further stated that "[p]arties or members of the general public will be permitted to testify and submit written briefs, subject to reasonable time constraints imposed by the Court."

4. Consistent with the Public Hearing Order, the Media Intervenors filed a Prehearing Brief and their counsel's Appearances on November 21, 2022, in anticipation of being heard at the Public Hearing based on (1) the permissive language of the Public Hearing Order and (2) Ind. Code § 5-14-3-5.5(d), part of the Indiana Access to Public Records Act ("APRA"), which gives "members of the general public" the right to "testify and submit written briefs" upon a request to seal public records not mandatorily excepted from disclosure.

5. At the beginning of the Public Hearing, however, the Court stated that the Public Hearing would be conducted pursuant to Rule 6 and not pursuant to APRA,[3] therefore not permitting the Media Intervenors to present argument.

6. Accordingly, the Media Intervenors now formally request leave to intervene in this action for the limited purpose of challenging the State's Verified Request to Prohibit Public Access filed on October 28, 2022 and the provisional exclusion of the Probable Cause Affidavit and Charging Information. *See Richmond Newsp., Inc. v. Virginia*, 448 U.S. 555, 573 (1980) (explaining that the media acts as "surrogates for the public" in seeking public access); *see also Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978) ("It is clear that the courts of this

[3] Media Intervenors now understand that the Defendant and his counsel have indeed reviewed the State's Verified Request to Prohibit Public Access and Probable Cause Affidavit. Access by the Defendant and his counsel indicates that the State's Request was simply to exclude the documents from public access rather than to seal the documents. *See Access to Court Records Handbook* at p. 53, Q1 (2020), available at: https://www.in.gov/courts/iocs/files/PublicAccessHandbook.pdf (explaining the difference between records "not accessible for public access" and those "sealed under statutory authority").

country recognize a general right to inspect and copy public records and documents, including judicial records and documents").

7. The Media Intervenors also respectfully request that the Court, in recognition of the media's unique access interests, consider (1) its Prehearing Brief filed on November 21, 2022;[4] and (2) their tendered Post-Hearing Brief (attached to this Motion as Exhibit 1). The tendered Post-Hearing Brief is succinct and does not repeat the points made in the Pre-Hearing Brief. The purpose of the Post-Hearing Brief is to respond to certain arguments made by the State during the Public Hearing.

WHEREFORE, the Media Intervenors respectfully request that the Court:

(i) Grant them leave to intervene in the above-captioned cause for the limited purpose of challenging the State's Verified Request to Prohibit Public Access filed on October 28, 2022 and the provisional exclusion of the Probable Cause Affidavit and Charging Information;

(ii) Consider the Media Intervenors' Prehearing Brief filed on November 21, 2022 and tendered Post-Hearing Brief (attached to this Motion) in ruling on the State's Verified Request to Prohibit Public Access filed on October 28, 2022; and

(iii) All other just and appropriate relief.

[4] On November 22, 2022 following the Public Hearing, the Court entered its *Order or Judgment of the Court* which "note[d] filing of a Limited Appearance by Attorneys" and the Pre-Hearing Brief, further stating that the Court has taken this matter under advisement.

Respectfully submitted,

/s/ Margaret M. Christensen
Daniel P. Byron, # 3067-49
Margaret M. Christensen, # 27061-49
Jessica Laurin Meek, # 34677-53
DENTONS BINGHAM GREENEBAUM LLP
2700 Market Tower
10 West Market Street
Indianapolis, IN 46204-4900
Telephone: (317) 635-8900
Facsimile: (317) 236-9907
dan.byron@dentons.com
margaret.christensen@dentons.com
jessica.meek@dentons.com

Attorneys for Indiana Broadcasters Association, Inc.; Hoosier State Press Association, Inc.; The Associated Press; Circle City Broadcasting I, LLC d/b/a WISH-TV; E.W. Scripps Company d/b/a WRTV; Nexstar Media Inc. d/b/a WXIN/WTTV; Neuhoff Media Lafayette, LLC; Woof Boom Radio LLC; TEGNA Inc. d/b/a WTHR; Gannett Satellite Information Network, LLC d/b/a The Indianapolis Star, LLC d/b/a The Indianapolis Star; and American Broadcasting Companies, Inc. d/b/a ABC News

CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2022, the foregoing was filed with the Clerk of the Carroll County Circuit Court and served to all counsel of record via IEFS.

/s/ Margaret M. Christensen

Filed: 2/10/2023 4:25 PM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL COUNTY CIRCUIT COURT
	) SS:	
COUNTY OF MARION	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
Plaintiff,	)
	)
v.	)
	)
RICHARD M. ALLEN,	)
	)
Defendant.	)

MEDIA INTERVENORS' RENEWED MOTION TO INTERVENE AND MOTION TO GRANT PUBLIC ACCESS TO THE STATE'S VERIFIED REQUEST TO PROHIBIT PUBLIC ACCESS

The Media Intervenors,[1] by counsel, respectfully submit this Renewed Motion to Intervene and Motion to Grant Public Access to the State's Verified Request to Prohibit Public Access. In support, the Media Intervenors state the following:

A. RENEWED MOTION TO INTERVENE

1. On October 28, 2022, the State filed its Verified Request asking the Court to prohibit public access to the Affidavit of Probable Cause and Criminal Information pertaining to the Defendant's arrest and criminal charges (the "Request"). The Request was filed as a confidential document and still remains confidential.

2. On November 2, 2022, the Court entered its *Order Acknowledging Public Hearing* ("Public Hearing Order") on the Request. The Public Hearing Order stated that the hearing would

[1] The "Media Intervenors" refer to the following entities collectively: Indiana Broadcasters Association, Inc.; Hoosier State Press Association, Inc.; The Associated Press; Circle City Broadcasting I, LLC d/b/a WISH-TV; E.W. Scripps Company d/b/a WRTV; Nexstar Media Inc. d/b/a WXIN/WTTV; Neuhoff Media Lafayette, LLC; Woof Boom Radio LLC; TEGNA Inc. d/b/a WTHR; Gannett Satellite Information Network, LLC d/b/a The Indianapolis Star; and American Broadcasting Companies, Inc. d/b/a ABC News.

"be conducted pursuant to Ind. Code § 5-14-3-5.5 and Indiana Rules of Court, Rules on Access to Court Records, Rule 6" and that "[p]arties or members of the general public will be permitted to testify and submit written briefs, subject to reasonable time constraints imposed by the Court."

3. The hearing on the Request occurred on November 22, 2022. At the hearing, the Court stated that Access to Court Records Rule 6 rather than Ind. Code § 5-14-3-5.5(d), part of the Indiana Access to Public Records Act ("APRA"), governed. The Media Intervenors therefore were not permitted to present argument at the hearing. Accordingly, following the hearing, the Media Intervenors filed their Motion for Leave to Intervene with a Post-Hearing Brief attached.

4. On November 28, 2022, the Court issued its Order denying the Request, in part, and denied the Motion for Leave to Intervene as moot.

5. The Media Intervenors now renew that Motion for Leave to Intervene with respect to the public release of the Request. *See Richmond Newsp., Inc. v. Virginia*, 448 U.S. 555, 573 (1980) (explaining that the media acts as "surrogates for the public" in seeking public access).

B. MOTION TO RELEASE THE REQUEST TO THE PUBLIC

6. In the November 28, 2022 Order, the Court found that "the State has failed to prove by clear and convincing evidence that the Affidavit of Probable Cause and the Charging Information should be excluded from public access" and that "the public interest is not served by prohibiting access[.]" The Court, however, found that "the protection and safety of witnesses can be ensured by redacting their names from the Affidavit, and that the defendant's personal information can be removed from the Charging Informations."

7. The Court therefore ordered public release of a redacted Affidavit for Probable Cause and Charging Information, submitted by the State at the hearing, with witness names and the Defendant's personal information redacted.

8. Shortly after, the redacted Affidavit for Probable Cause and Charging Information were released publicly. The Request itself, however, still has not been released publicly and remains confidential on the docket.

9. Access to Court Records Rule 6(A) permits the filing of "verified written request[s] to prohibit Public Access to a Court Record," as the State did here in filing its Request.

10. Rule 6(A) contemplates that requests to prohibit public access should not remain excluded from public view forever. Such requests are only to be excluded *temporarily* until the Court rules on the request: "When this request is made, the request and the Court Record will be rendered confidential for a reasonable period of time **until the Court rules on the request**." Rule 6(A) (emphasis added).

11. Because the Court has already ruled on the Request and denied the Request in-part (with the exception of witness names and Defendant's personal information), the Request itself now should be released. There is no longer any legal basis or reason to exclude the Request—a quintessential court record—from the public eye.[2] *See, e.g.*, *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978) ("It is clear that the courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents").

WHEREFORE, the Media Intervenors respectfully request that the Court grant them permission to intervene in this matter for the purpose of seeking release of the State's Verified Request to Prohibit Public Access to the public and order the clerk to release the Request to the public.

[2] The Media Intervenors acknowledge that the Request may contain witness names and the Defendant's personal information. If that is the case, consistent with the Court's November 28, 2022 Order, the Media Intervenors would not object to a public version of the Request that has witness names and personal information redacted only.

Respectfully submitted,

/s/ Margaret M. Christensen
Daniel P. Byron, # 3067-49
Margaret M. Christensen, # 27061-49
Jessica Laurin Meek, # 34677-53
DENTONS BINGHAM GREENEBAUM LLP
2700 Market Tower
10 West Market Street
Indianapolis, IN 46204-4900
Telephone: (317) 635-8900
Facsimile: (317) 236-9907
dan.byron@dentons.com
margaret.christensen@dentons.com
jessica.meek@dentons.com

Attorneys for the Media Intervenors

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2023, the foregoing was filed with the Clerk of the Carroll County Circuit Court and served to all counsel of record via IEFS.

/s/ Margaret M. Christensen

Filed: 11/21/2022 3:59 PM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL COUNTY CIRCUIT COURT
	) SS:	
COUNTY OF MARION	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
Plaintiff,	)
	)
v.	)
	)
RICHARD M. ALLEN	)
	)
Defendant.	)

MEDIA INTERVENORS' PRE-HEARING BRIEF SEEKING PUBLIC ACCESS TO PROBABLE CAUSE AFFIDAVIT AND CHARGING INFORMATION

The Media Intervenors[1] submit this Pre-Hearing Brief pursuant to the Court's November 2, 2022 *Order Acknowledging Public Hearing* and urge this Court to grant public access to the Probable Cause Affidavit and Charging Information because the public interest is best served by public access to a prosecutor's basis for filing criminal charges. It is impossible to know what basis the State has alleged to support its Verified Request to Prohibit Public Access to a Court Record (the "Motion") because the Motion itself is excluded from public access pending the November 22, 2022 public hearing in this matter. However, it is unlikely that there is any justification to warrant sealing the entire factual basis for charging the Defendant—particularly given the substantial public concern regarding the unsolved and high-profile murder of two minors over five years ago.

[1] The "Media Intervenors" refer to the following entities collectively: Indiana Broadcasters Association, Inc.; Hoosier State Press Association, Inc.; The Associated Press; Circle City Broadcasting I, LLC d/b/a WISH-TV; E.W. Scripps Company d/b/a WRTV; Nexstar Media Inc. d/b/a WXIN/WTTV; Neuhoff Media Lafayette, LLC; Woof Boom Radio LLC; TEGNA Inc. d/b/a WTHR; Gannett Satellite Information Indiana Newspapers, LLC d/b/a The Indianapolis Star; and American Broadcasting Companies, Inc. d/b/a ABC News

This Court should grant public access and lift the provisional exclusion from public access and sealing of the Probable Cause Affidavit and Charging Information. Doing so would further the public's right to access judicial records, which is particularly acute in these circumstances.

I. The Public and the Media Have a Substantial Right to Access Judicial Records Based in Indiana Policy and the Federal and Indiana Constitutions.

In seeking public access, the media acts as "surrogates for the public." *Richmond Newsp., Inc. v. Virginia*, 448 U.S. 555, 573 (1980). The United States Supreme Court has aptly explained the media's important role:

> [I]n a society in which each individual has but limited time and resources with which to observe at first hand the operations of his government, he relies necessarily upon the press to bring to him in convenient form the facts of those operations. Great responsibility is accordingly placed upon the news media to report fully and accurately the proceedings of government, and official records and documents open to the public are the basic data of governmental operations. . . . **With respect to judicial proceedings in particular, the function of the press serves to guarantee the fairness of trials and to bring to bear the beneficial effects of public scrutiny upon the administration of justice.**

Cox Broad. Corp. v. Cohn, 420 U.S. 469, 495 (1975) (emphasis added). Media Intervenors, on the public's behalf, seek access to the Probable Cause Affidavit and Charging Information to ensure government transparency and accountability—which is especially critical in criminal matters. *See Nebraska Press Ass'n v. Stuart*, 427 U.S. 539, 560 (1976) (explaining that the press is "the handmaiden of effective judicial administration, especially in the criminal field" and a "guard against the miscarriage of justice by subjecting the police, prosecutors, and judicial processes to extensive public scrutiny and criticism").

Consistent with these principles, the General Assembly expressly recognizes Indiana's "public policy . . . that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees."

Ind. Code § 5-14-3-1 (further explaining that the Access to Public Records Act ("APRA") will be "liberally construed to implement this policy" and that the burden for nondisclosure falls on the public agency). Access to Court Records Rule 6 (hereinafter "Rule 6"), promulgated by the Indiana Supreme Court, likewise "presume[s] . . . openness and requires compelling evidence to overcome this presumption." Commentary to Rule 6.

Apart from well-reasoned policy considerations, the public interest in accessing judicial records has constitutional dimensions. Media Intervenors, as members and representatives of the public, are presumptively entitled to judicial documents and proceedings under the First and Fourteenth Amendments to the United States Constitution. *See, e.g.*, *Press-Enter. Co. v. Superior Court*, 478 U.S. 1, 11–12 (1986); *see also Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978) ("It is clear that the courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents").

The Indiana Constitution similarly (and perhaps more so) protects public access and key newsgathering activities. *See* Ind. Const. Article 1, Section 9 ("No law shall be passed, restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatsoever[.]"); *Mishler v. MAC Systems, Inc.*, 771 N.E.2d 92, 97 (Ind. Ct. App. 2002) (recognizing that the Indiana Constitution "more jealously protects freedom of speech guarantees than does the United States Constitution"). In light of Indiana's Constitutional protection of the free interchange of ideas, the Supreme Court has assumed that a "material burden" on newsgathering ability could violate the Indiana Constitution. *In re WTHR-TV*, 693 N.E.2d 1, 15–16 (Ind. 1998).

Considering Indiana's policy favoring public access and the constitutional implications of restricting access to judicial records, the public's and media's interest in accessing judicial records

is not something to be taken lightly, and certainly should not be dismissed as a nuisance. This strong public interest must be a primary consideration in resolving the State's Motion.

II. The Public Interest Is Best Served When Probable Cause Affidavits and Charging Information Are Made Available for Public Scrutiny.

Against this backdrop of deeply-rooted public access rights, probable cause affidavits and associated charging information (such as those presently shielded in this case) are essential judicial records uniquely worthy of disclosure. They contain key facts uncovered in criminal investigations which are insulated from public involvement and ultimately result in the State's charging decisions. The public has a strong interest knowing *why* the State is charging a particular member of the community for alleged crimes. *See Greenwood v. Wolchik*, 544 A.2d 1156, 1157 (Vt. 1988) ("Public access to affidavits of probable cause is all the more important because the process of charging by information involves no citizen involvement, such as is present with juries and grand juries[.]"). Access gives the public answers to these vital questions.

Public access also serves as an important accountability tool, ensuring the fundamental requirement of probable cause supports the arrest. *See Com. v. Fenstermaker*, 530 A.2d 414, 418 (Pa. 1987) (explaining that access to probable cause affidavits "would enhance the performance of police and prosecutors by encouraging them to establish sufficient cause before an affidavit is filed, would act as a public check on discretion of issuing authorities thus discouraging erroneous decisions and decisions based on partiality, and would promote a public perception of fairness in the arrest warrant process"); *see also Nebraska Press Association v. Stuart*, 427 U.S. 539, 587 (1976) (stating that "[s]ecrecy of judicial action can only breed ignorance and distrust of courts and suspicion concerning the competence and impartiality of judges" and "free and robust reporting, criticism, and debate can . . . subject[ ] [the criminal justice system] to the cleansing

efforts of exposure and public accountability") (Brennan, J., concurring). Accountability, in turn, promotes public trust, which is key to democratic society.

The history leading to the Defendant's arrest, coupled with the nature of the underlying alleged crimes (the murder of two children), underscores the need for transparency. *See Matter of T.B.*, 895 N.E.2d 321, 342 (Ind. Ct. App. 2008) ("[T]he death of any child is a matter of the keenest public interest[.]") (internal quotations omitted). These crimes have gone unresolved for years and, apparently only recently, the investigation has gained traction. Yet the public has no idea how or why the Defendant was arrested for the alleged crimes, no less how the investigative process led to the Defendant's arrest, or even how the State alleges the Defendant was involved in the murders. These are critical issues squarely affecting the public interest. To the extent there is a concern that the Defendant's arrest was an unwarranted effort to satisfy public demand, making the charging records available to the public will promote continued accountability and public trust in the process. The public has a right to answers. *See Richmond*, 448 U.S. at 572 ("People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing").

III. The State Cannot Meet Its Burden to Seal the Records or Exclude them from Public Access.

Rule 6 imposes a heavy burden on the State to exclude the Probable Cause Affidavit and Charging Information from public access. In these "extraordinary circumstances,"[2] the State must show by "clear and convincing evidence" one of the following:

[2] Rule 6 applies in "extraordinary circumstances" where a court record "that otherwise would be publicly accessible" is requested to be excluded from public access. *See* Rule 6(A). The Court's *Order Acknowledging Public Hearing* dated November 2, 2022 explained that the public hearing will be conducted pursuant to Rule 6 and Indiana Code § 5-14-3-5.5, the latter of which applies when the court receives a request to seal a public record that is "not declared confidential under [Ind. Code § 5-14-3-4(a)]" (i.e. public records that are mandatorily excepted from disclosure).

(1) The public interest will be substantially served by prohibiting access;

(2) Access or dissemination of the Court Record will create a significant risk of substantial harm to the requestor, other persons or the general public; or

(3) A substantial prejudicial effect to on-going proceedings cannot be avoided without prohibiting Public Access.

Rule 6(A), (D). To the extent the State seeks to go beyond exclusion from public access and seal[3] the records under the Indiana Access to Public Records Act, the State must demonstrate all five statutory factors by a preponderance of the evidence:

(1) a public interest will be secured by sealing the record;

(2) dissemination of the information contained in the record will create a serious and imminent danger to that public interest;

(3) any prejudicial effect created by dissemination of the information cannot be avoided by any reasonable method other than sealing the record;

(4) there is a substantial probability that sealing the record will be effective in protecting the public interest against the perceived danger; **and**

(5) it is reasonably necessary for the record to remain sealed for a period of time.

Ind. Code § 5-14-3-5.5 (emphasis added); *see also* Ind. Code § 5-14-3-1 (burden for nondisclosure falls on the public agency).

Accordingly, Media Intervenors glean that the State is not claiming that the Probable Cause Affidavit and the Charging Information must be sealed pursuant to a mandatory statutory exception.

[3] The Indiana Public Access to Court Records Handbook explains the difference between records "not accessible for public access" and those "sealed under statutory authority" (such as under Ind. Code § 5-14-3-5.5): "Records sealed under statute are more secure because no one is entitled to view the records without court authorization. Records 'not accessible for public access' are only secure from public access but may be viewed by court or Clerk staff and the parties to the case and their lawyers." *Access to Court Records Handbook* at p. 53, Q1 (2020), available at: https://www.in.gov/courts/iocs/files/PublicAccessHandbook.pdf.

Though Media Intervenors do not have the benefit of reviewing the basis for the State's Motion to Seal, the Media Intervenors highly doubt that the State could meet its burden under either Rule 6 or Indiana Code § 5-14-3-5.5 for two reasons. First, for the reasons stated above, the presumed public interest in disclosure is paramount. The State must present clear and compelling evidence favoring nondisclosure to rebut the presumption of access. Second, the Motion to Seal apparently requests broad relief; the Probable Cause Affidavit and Charging Information are currently excluded from public access and sealed in their entirety without even a redacted, public version available on the Court's docket. Yet both Rule 6 and Indiana Code § 5-14-3-5.5 contemplate that any exclusion or sealing order must employ the least restrictive means, and only when absolutely necessary. *See* Rule 6(D) (order prohibiting public access must include, among others, "[u]ses the least restrictive means and duration when prohibiting access"); Ind. Code § 5-14-3-5.5(d)(3) (the State must show, among others, that "any prejudicial effect created by dissemination of the information cannot be avoided by any reasonable method other than sealing the record"). Even if the Court concludes that clear and compelling evidence requires certain *portions* of the Probable Cause Affidavit and Charging Information to be sealed, a public, redacted version should be released to the extent possible.

IV. Media Intervenors Request Expeditious Unsealing.

Should the Court conclude that the State has not rebutted the presumption of public access, the Media Intervenors respectfully request that the Court unseal the Probable Cause Affidavit and Charging Information and make them available for public access as soon as possible. A loss of First Amendment rights, "for even minimal periods of time, unquestionably constitutes irreparable injury." *See Elrod v. Burns*, 427 U.S. 347, 373 (1976); *see also Neb. Press Ass'n v. Stuart*, 423 U.S. 1327, 1329 (1975) ("[E]ach passing day may constitute a separate and cognizable

infringement of the First Amendment."). Accordingly, the Media Intervenors request expeditious unsealing following the November 22, 2022 hearing.

Respectfully submitted,

/s/ Margaret M. Christensen
Daniel P. Byron, # 3067-49
Margaret M. Christensen, # 27061-49
Jessica Laurin Meek, # 34677-53
DENTONS BINGHAM GREENEBAUM LLP
2700 Market Tower
10 West Market Street
Indianapolis, IN 46204-4900
Telephone: (317) 635-8900
Facsimile: (317) 236-9907
dan.byron@dentons.com
margaret.christensen@dentons.com
jessica.meek@dentons.com

Attorneys for Indiana Broadcasters Association, Inc.; Hoosier State Press Association, Inc.; The Associated Press; Circle City Broadcasting I, LLC d/b/a WISH-TV; E.W. Scripps Company d/b/a WRTV; Nexstar Media Inc. d/b/a WXIN/WTTV; Neuhoff Media Lafayette, LLC; Woof Boom Radio LLC; TEGNA Inc. d/b/a WTHR; Gannett Satellite Information Indiana Newspapers, LLC d/b/a The Indianapolis Star; and American Broadcasting Companies, Inc. d/b/a ABC News

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2022, the foregoing was filed with the Clerk of the Carroll County Circuit Court and served to all counsel of record via IEFS.

/s/ Margaret M. Christensen

State of Indiana	)	
	)	SS: In the Carroll Circuit Court
County of Carroll	)	
State of Indiana	)	
	)	
vs.	)	Cause Number 08C01-2210-MR-000001
	)	
Richard Matthew Allen	)	

FILED
NOV 03 2022
Sharon E. Mieburn
CLERK CARROLL CIRCUIT COURT

Request by the Sheriff of Carroll County, Indiana to Transfer Inmate from the Custody of the Sheriff to the Custody of the Indiana Department of Corrections for Safekeeping

The undersigned states:

1. I am the duly elected Sheriff of Carroll County, Indiana.

2. The aforementioned defendant, Richard Matthew Allen, has been incarcerated since October 26th, 2022, initially, at the Carroll County Jail, and then transferred to the White County Jail, at my request as Sheriff of Carroll County, Indiana.

3. The defendant has been charged in a high profile cause, creating potential safety and security concerns because of extensive coverage from an array of various media platforms, both mainstream and social, throughout this state, the United States, and the world.

4. In that the defendant has been charged in said high profile cause, it is felt by the undersigned, potential safety and security concerns exist involving not only the defendant but also both jail facilities in Carroll and White Counties within the State of Indiana.

5. Because of the aforementioned reasons, as Sheriff of Carroll County, Indiana, I cannot provide the services, attention, or supervision necessary to protect or meet the defendant's needs or to insure, protect, and guarantee the safety or security of the defendant, staff, or facilities.

6. Pursuant to Indiana Code 35-33-11-1, I respectfully request from the Court an order approving and directing the transfer of the defendant to the custody of the Indiana Department of Corrections. Said agency has agreed to accept custody of the defendant for safekeeping.

7. As provided by Indiana Code 35-33-11-5, I will be responsible for transporting, or for coordinating transportation arrangements with the Indiana Department of Corrections, the defendant to and from their respective facility for further Court proceedings.

8. I certify to the best of my knowledge that the information set forth herein is true and correct.

Date: 2 November 2022

Tobe H. Leazenby
Tobe H. Leazenby
Sheriff of Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

MOTION FOR ORDER PROHIBITING THE PARTIES, COUNSEL, LAW ENFORCEMENT OFFICIALS, COURT PERSONNEL, CORONER, AND FAMILY MEMBERS FROM DISSEMINATING INFORMATION OR RELEASING ANY EXTRA-JUDICIAL STATEMENTS BY MEANS OF PUBLIC COMMUNICATION

Now comes Nicholas C. McLeland, Carroll County Prosecuting Attorney, being first duly sworn upon his oath, and requests the Court to prohibit the parties, counsel, law enforcement officials, court personnel, coroner and family members from disseminating information or releasing any extra-judicial statements by means of public communication. In support of said request, the State shows the following:

1. That the State filed 2 counts of Murder against the Defendant on October 28th, 2022 in Carroll County Circuit Court.
2. That the case has received extensive treatment in the local, national and international news media.
3. That the media accounts concerning this cause have contained an undue number of statements relating not only to the progress of the investigation, but conclusions of the investigation, some of which have been untrue.
4. That it is reasonable to believe that the media will continue to cover this cause of action extensively and that the publicity will prejudice a fair trial.
5. That the additional statements and media coverage in the news is likely to produce prejudice in the community making it impossible to have a fair and impartial jury to ensure that all parties have a fair trial.
6. That an Order in place would ensure that the parties abide by Indiana Rules of Professional Conduct, Rule 3.6.

That now comes the State of Indiana, by Nicholas C. McLeland, Carroll County Prosecuting Attorney, and requests the Court to prohibit the parties, counsel, law enforcement officials, court personnel, coroner and family members from disseminating information or releasing any extra-judicial statements by means of public communication, until further Order of the Court and for all other just and proper relief in the premises.

Dated this 22ND day of November, 2022.

Nicholas C. McLeland, Atty. #28300-08
Carroll County Prosecuting Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the Defendant's attorney of record, through personally delivery, ordinary mail with proper postage affixed or by service through the efiling system and filed with Carroll County Circuit Court, this __22nd _ day of November, 2022.

Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

MOTION FOR LEAVE OF COURT TO SUBPOENA THIRD-PARTY RECORDS

Comes now the State of Indiana, by Nicholas C. McLeland, Prosecuting Attorney for the 74th Judicial Circuit, and moves this Court for an Order for Westville Correctional Facility, Attn: Elise Gallagher, 5501 S. 1100 W., Westville, IN 46391, to produce to the Carroll County Prosecutor's Office, Attn: Nicholas C. McLeland, 101 West Main Street, Delphi, IN 46923, any and all mental health records for Richard Allen, DOB: 09/09/1972, SSN: 303-82-3934, associated with his stay as an inmate at that facility, from November 3rd, 2022 until present.

While working the Delphi investigation, Carroll County Sheriff's Department Detective Tony Liggett developed information that Richard Allen was involved in the murders of Victim 1 and Victim 2. The investigation shows the following:

That on February 14th, 2017 Victim 1 and Victim 2 were found deceased in the woods approximately 0.2 miles northeast of the Monon High Bridge in Carroll County. Their bodies were located on the north side of the Deer Creek.

At the time, the Monon High Bridge Trail was an approximately 1 mile gravel trail terminating at the Monon High Bridge. The Monon High Bridge is an abandoned railroad trestle approximately 0.25 miles long spanning the Deer Creek and Deer Creek valley on the southeast end of the trail. Approximately 0.7 miles northwest on the trail from the northwestern edge of the Monon High Bridge is the Freedom Bridge, which is a pedestrian bridge spanning State Road 25. Approximately 350 feet west of Freedom Bridge was a former railroad overpass over Old State Road 25 (also known as County Road 300 North). The trail terminates just west of the former railroad overpass. The majority of the trail is in a wooded area with a steep embankment on the south side of the trail. The entirety of the trail and the location of the girls bodies were and are located in Carroll County, Indiana.

Through interviews, reviews of electronic records, and review of video at the Hoosier

Harvestore, investigators believe Victim 1 and Victim 2 were dropped off across from the Mears Farm at 1:49 p.m. on February 13th, 2017 by Kelsi German. The Mears farm is located on the north side of County Road 300 North near an entrance to the trails. A video from Victim 2's phone shows that at 2:13 p.m. Victim 1 and Victim 2 encountered a male subject on the southeast portion of the Monon High Bridge. The male ordered the girls "Guys, Down the hill". No witnesses saw them after this time. No outgoing communications were found on Victim 2's phone after this time. Their bodies were discovered on February 14th, 2017.

The video recovered from Victim 2's phone shows Victim 1 walking southeast on the Monon High Bridge while a male subject wearing a dark jacket and jeans walks behind her. As the male subject approaches Victim 1 and Victim 2, one of the victims mentions, "gun". Near the end of the video a male is seen and heard telling the girls, "Guys, Down the hill." The girls then begin to proceed down the hill and the video ends. A still photograph taken from the video and the "Guys, Down the hill" audio was subsequently released to the public to assist investigators in identifying the male.

Victim 1 and Victim 2's deaths were ruled as homicides. Clothes were found in the Deer Creek belonging to Victim 1 and Victim 2, south of where their bodies were located. There was also a .40 caliber unspent round less than two feet away from Victim 2's body, between Victim 1 and Victim 2's bodies. The round was unspent and had extraction marks on it.

Interviews were conducted with 3 juveniles, R.V., B.W. and A.S.. They advised they were on the Monon High Bridge Trail on February 13th, 2017. They advised they were walking on the trail toward Freedom Bridge to go home when they encountered a male walking from Freedom Bridge toward the Monon High Bridge. A.S. described the male as "kind of creepy" and advised he was wearing "like blue jeans a like really light blue jacket and he his hair was gray maybe a little brown and he did not really show his face." She advised the jacket was a duck canvas type jacket. R.V. advised she said "Hi" to the male but he just glared at them. She recalled him being in all black and had something covering his mouth. She described him as "not very tall" with a bigger build. She said he was not bigger than 5'10". R.V. advised he was wearing a black hoodie, black jeans, and black boots. She stated he had his hands in his pockets.

B.W. showed investigators photographs she took on her phone while she was on the trail that day. The photographs included a photo of the Monon High Bridge taken at 12:43 p.m., and another one taken at 1:26 p.m. of the bench East of the Freedom Bridge. B.W. advised after she took the photo of the bench they started walking back toward Freedom Bridge. She advised that was when they encountered the man who matched the description of the photograph taken from Victim 2's video. B.W. described the man she encountered on the trail as wearing a blue or black windbreaker jacket. She advised the jacket had a collar and he had his hood up from the clothing underneath his jacket. She advised he was wearing baggy jeans and was taller than her. She advised her head came up to approximately his shoulder. She advised R.V. said "Hi" to the man and that he said nothing back. She stated he was walking with a purpose like he knew where he was going. She stated he had his hands in his pockets and kept his head down. She advised she did not get a good look at his face but believed him to be a white male. The girls advised after encountering the male they continued their walk across Freedom Bridge and the old railroad bridge over Old State Road 25.

Investigators spoke with Betsy Blair who advised she was on the trails on February 13th, 2017. Video from the Hoosier Harvestore captured Betsy's vehicle traveling eastbound at

1:46 p.m. toward the entrance across from the Mears farm. Betsy advised she saw 4 juvenile females walking on the bridge over Old State Road 25 as she was driving underneath on her way to park. Betsy advised there were no other cars parked across from the Mears farm when she parked. She advised she walked to the Monon High Bridge and observed a male matching the one from Victim 2's video. She described the male she saw as a white male, wearing blue jeans and a blue jean jacket. She advised he was standing on the first platform of the Monon High Bridge, approximately 50 feet from her. She advised she turned around at the bridge and continued her walk. She advised approximately halfway between the bridge and the parking area across from Mears farm, she passed two girls walking toward Monon High Bridge. She advised she believed the girls were Victim 1 and Victim 2. Video from the Hoosier Harvestore shows at 1:49 p.m. a white car matching Kelsi German's vehicle traveling away from the entrance across from the Mears farm. Betsy advised she finished her walk and saw no other adults other than the male on the bridge. Her vehicle is seen on Hoosier Harvestore video at 2:14 p.m. leaving westbound from the trails. Betsy advised when she was leaving she noted a vehicle was parked in an odd manner at the old Child Protective Services building. She said it was not odd for vehicles to be parked there but she noticed it was odd because of the manner it was parked, backed in near the building. Investigators received a tip from Terry Wilson in which he stated he was on his way to Delphi on State Road 25 around 2:10 p.m. on February 13th, 2017. He observed a purple PT Cruiser or a small SUV type vehicle parked on the south side of the old CPS building. He stated it appeared as though it was backed in as to conceal the license plate of the vehicle. Betsy and Terry both drew diagrams of where they saw the vehicle parked and their diagrams generally matched as to the area the vehicle was parked and the manner in which it was parked. Wesley McWhirter advised he remembered seeing a smaller dark colored car parked at the old CPS building. He described it as possibly being a "smart" car. McWhirter's vehicle is seen leaving at 2:28 p.m. on the Hoosier Harvestore video.

Investigators spoke with Sarah Carbaugh, who stated that she was traveling East on 300 North on February 13th, 2022 and observed a male subject walking west, on the North side of 300 North, away from the Monon High Bridge. Sarah advised that the male subject was wearing a blue colored jacket and blue jeans and was muddy and bloody. She further stated, that it appeared he had gotten into a fight. Investigators were able to determine from watching the video from the Hoosier Harvestore that Sarah Carbaugh was traveling on CR 300 North at approximately 3:57 p.m.

Through interviews, electronic data, photographs, and video from the Hoosier Harvestore investigators determined that there were other people on the trail that day after 2:13 p.m. Those people were interviewed and none of those individuals encountered the male subject referenced above, witnessed by the juvenile girls, Betsy Blair and Sarah Carbaugh. Further none of those individuals witnessed Victim 1 and Victim 2.

Investigators reviewing prior tips encountered a tip narrative from an officer who interviewed Richard M. Allen in 2017. That narrative stated:

> *Mr. Allen was on the trail between 1330-1530. He parked at the old Farm Bureau building and walked to the new Freedom Bridge. While at the Freedom Bridge he saw three females. He noted one was taller and had brown or black hair. He did not remember description nor did he speak with them. He walked from the Freedom Bridge to the High Bridge. He did not see anybody, although he stated he was watching a stock ticker on his phone as he walked. He stated*

there were vehicles parked at the High Bridge trail head, however did not pay attention to them. He did not take any photos or video.
His cell phone did not list an IMEI but did have the following:
MEID-256 691 463 100 153 495
MEIDHEX-9900247025797
Potential follow up information: Who were the three girls walking in the area of Freedom Bridge?

Investigators believe Mr. Allen was referring to the former Child Protective Services building as there was not a Farm Bureau building in the area nor had there been. Investigators believe the females he saw included R.V., B.W. and A.S. due to the time they were leaving the trail, the time he reported getting to the trail, and the descriptions the three females gave.

Investigators discovered Richard Allen owned two vehicles in 2017 – a 2016 black Ford Focus and a 2006 gray Ford 500. Investigators observed a vehicle that resembled Allen's 2016 Ford Focus on the Hoosier Harvestore video at 1:27 p.m traveling westbound on CR 300 North in front of the Hoosier Harvestore, which coincided with his statement that he arrived around 1:30 p.m. at the trails. Investigators note witnesses described the vehicle parked at the former Child Protective Services Building as a PT Cruiser, small SUV, or "Smart" car. Investigators believe those descriptions are similar in nature to a 2016 Ford Focus.

On October 13th, 2022 Richard Allen was interviewed again by investigators. He advised he was on the trails on February 13th, 2017. He stated he saw juvenile girls on the trails east of Freedom Bridge and that he went onto the Monon High Bridge. Richard Allen further stated he went out onto the Monon High Bridge to watch the fish. Later in his statement, he said he walked out to the first platform on the bridge. He stated he then walked back, sat on a bench on the trail and then left. He stated he parked his car on the side of an old building. He told investigators that he was wearing blue jeans and a blue or black Carhartt jacket with a hood. He advised he may have been wearing some type of head covering as well. He further claimed he saw no one else except for the juvenile girls he saw east of the Freedom Bridge. He told investigators that he owns firearms and they are at his home.

Richard M. Allen's wife, Kathy Allen, also spoke to investigators. She confirmed that Richard did have guns and knives at the residence. She also stated that Richard still owns a blue Carhartt jacket.

On October 13th, 2022, Investigators executed a search warrant of Richard Allen's residence at 1967 North Whiteman Drive, Delphi, Carroll County, Indiana. Among other items, officers located jackets, boots, knives and firearms, including a Sig Sauer, Model P226, .40 caliber pistol with serial number U 625 627.

Between October 14th, 2022 and October 19th, 2022 the Indiana State Police Laboratory performed an analysis on Allen's Sig Sauer Model P226. The Laboratory performed a physical examination and classification of the firearm, function test, barrel and overall length measurement, test firing, ammunition component characterization, microscopic comparison, and NIBIN. The Laboratory determined the unspent round located within two feet of Victim 2's body had been cycled through Richard M. Allen's Sig Sauer Model P226. The Laboratory remarked:

An identification opinion is reached when the evidence exhibits an agreement of class characteristics and a sufficient agreement of individual marks.

Sufficient agreement is related to the significant duplication of random striated/impressed marks as evidenced by the correspondence of a pattern or combination of patterns of surface contours. The interpretation of identification is subjective in nature, and based on relevant scientific research and the reporting examiner's training and experience.

Investigators then ran the firearm and found that the firearm was purchased by Richard Allen in 2001. Richard Allen voluntarily came to the Indiana State Police post on October 26th, 2022. He spoke with investigators and stated that he never allowed anyone to use or borrow the Sig Sauer Model P226 firearm. When asked about the unspent bullet, he did not have an explanation of why the bullet was found between the bodies of Victim 1 and Victim 2. He again admitted that he was on the trail but denied knowing Victim 1 or Victim 2 and denied any involvement in their murders.

Carroll County Sheriff's Department Detective Tony Liggett has been part of the investigation since it started in 2017. He has had an opportunity to review and examine evidence gathered in this investigation. Detective Liggett, along with other investigators, believe the evidence gathered shows that Richard Allen is the male subject seen on the video from Victim 2's phone who forced the victims down the hill. Further, that the victims were forced down the hill by Richard Allen and lead to the location where they were murdered.

Through the statements and photographs of the juvenile females and the statement of Betsy Blair, R.V., B.W., and A.S. were at the southeast edge of the trail at 12:43 p.m., east of Freedom Bridge at 1:26 p.m., and walked across the former railroad overpass over Old State Road 25 after 1:26 p.m. and before 1:46 p.m. They walked the entirety of the trail and observed only one person – an adult male. Betsy Blair's vehicle is seen on Hoosier Harvestore video at 1:46 p.m. and leaving at 2:14 p.m. and she stated she only saw one adult male. R.V., B.W., A.S., and Betsy Blair described the male in similar manners, wearing similar clothing, leading investigators to believe all four saw the same male individual.

Investigators believe the male observed by Betsy Blair, R.V., B.W., and A.S. is the same male depicted in the video from Victim 2's phone due to the descriptions of the male by the four females matching the male in the video. Furthermore, Victim 2's video was taken at 2:13 p.m., and Betsy Blair saw only one male while she was on the trail from approximately 1:46 p.m. to 2:14 p.m.

Investigators believe Richard Allen was the male seen by Betsy Blair, R.V., B.W., and A.S. and the male seen in Victim 2's video. Richard Allen told investigators he was on the trail from 1:30 p.m. to 3:30 p.m. that day. Video from Hoosier Harvestore shows a vehicle that matches the description of Richard Allen's vehicle passing at 1:27 p.m. toward the former CPS building. The clothing he told investigators he was wearing match the clothing of the male in Victim 2's video and the clothing descriptions provided by Betsy Blair, R.V., B.W., and A.S. A vehicle matching the description of his 2016 Ford Focus is seen at or around 2:10 p.m., 2:14 p.m., and 2:28 p.m. at the former CPS building. Through his own admissions, Richard Allen walked the trails and eventually hiked to the Monon High Bridge and walked out onto the Monon High Bridge.

A male subject matching Richard Allen's description was not seen on the trail after 2:13 p.m. Investigators identified other individuals on the trails or C.R. 300 North between 2:30 p.m. and 4:11 p.m. None of those individuals saw a male subject matching the description of Richard Allen on the trail. Furthermore, Richard Allen stated that he only saw three girls on the trail, who investigators believe to be R.V., B.W., and A.S.

Investigators believe Richard Allen was not seen on the trail after 2:13 p.m. because he was in the woods with Victim 1 and Victim 2. An unspent .40 caliber round between the bodies of Victim 1 and Victim 2, was forensically determined to have been cycled through Richard Allen's Sig Sauer Model P226. The Sig Sauer Model P226 was found at Richard Allen's residence and he admitted to owning it. Investigators were able to determine that he had owned it since 2001. Richard Allen stated he had not been on that property where the unspent round was found, that he did not know the property owner, and that he had no explanation as to why a round cycled through his firearm would be at that location. Furthermore, he stated that he never allowed anyone to use or borrow the Sig Sauer Model P226. Investigators believe that after the victims were murdered, Richard Allen returned to his vehicle by walking down CR 300 North. Investigators believe he was seen by Sarah Carbaugh walking back to his vehicle on CR 300 north, with clothes that were muddy and bloody.

Tony Liggett, along with investigators, believe the statements made by the witnesses because the statements corroborate the timeline of the death the two victims, as well as coincide with the admissions made by Richard Allen. Further, the accounts relayed by Betsy Blair, R.V., B.W., and A.S. are similar in nature and time stamps on photographs taken by B.W. correspond to the times the juvenile females said they were on the trail and saw male individual.

Investigators believe Richard M. Allen committed this kidnapping which resulted in the killing of Victim 1 and Victim 2. From their prior conclusions investigators believe Richard M. Allen was the male depicted in Victim 2's video saying, "Guys, Down the hill." They believe Richard M. Allen was carrying his Sig Sauer Model P226 on that day due to the cycled round matching that firearm was located within feet of Victim 2's body. They further believe he was carrying the Sig Sauer Model P226 from the audio from Victim 2's video in which investigators believe they hear the sound of a gun being cycled and one of the victims mentioning a "gun." Investigators believe after that time Victim 1 and Victim 2 were removed from the bridge by Richard to where their murders occurred.

Charges were filed against Richard M. Allen on October 28th, 2022 for 2 counts of Murder. Once Richard M. Allen was taken into custody, he was moved to the Westville Correctional Facility, which is part of the Indiana Department of Corrections, for safe keeping. He has been in said facility since November, 2022. When Richard M. Allen entered the facility, he was placed in the segregation unit for his protection. In the segregation unit, his cell is equipped with a video recorder which records his activities within the cell. There are also logs indicating when Richard M. Allen leaves the cell and for what purposes. He is also being seen by medical providers and mental health specialists to evaluate his physical condition and monitor his mental health. Richard M. Allen also has the ability to use a tablet in his cell to send text messages, make phone calls and listen to music.

Upon Richard M. Allen's arrival to the facility, he was placed on "suicide watch" because of certain statements he made about harming himself. Throughout his stay, his mental health improved to the point that he was taken off of "suicide watch". He was also participating in recreation time and beginning to exercise. The facility reports that he was doing well and that they had no issues or concerns. His day to day demeanor was that he was quiet, read a lot of books, did crossword puzzles and exercised daily.

On April 3rd, 2023, Richard M. Allen made a phone call to his wife Kathy Allen. In that phone call, Richard M. Allen admits several times that he killed Abby and Libby.

Investigators had the phone call transcribed and the transcription confirms that Richard M. Allen admits that he committed the murders of Abigail Williams and Liberty German. He admits several times within the phone call that he committed the offenses as charged. His wife, Kathy Allen, ends the phone call abruptly.

Soon after, attorneys for Richard M. Allen filed an Emergency Motion to Modify Safekeeping Order. In that motion, the Defense states that Richard M. Allen's mental state has declined because Westville Correctional Facility is unfit and that he should be moved. Defense also makes allegations that his mental health has declined to the point where Richard M. Allen has been deprived of his constitutional right to assist in his defense of this case. Further, Defense alleges that his mental capacity has declined because of his incarceration at Westville Correctional Facility. Defense has also challenged that his treatment is unconstitutional. Soon after, investigators were made aware by the Warden of Westville Correctional Facility that Richard M. Allen began to act strangely.

Richard M. Allen was wetting down paperwork he had gotten from his attorneys and eating it, he was refusing to eat and refusing to sleep. He would go days on end refusing to sleep. He further, broke the tablet that he used for text messages and phone calls. He went from making up to 2 phone calls a day as of April 3rd, 2023 to not making any phone calls at all. To date, Richard M. Allen still has not made a phone call since April 3rd, 2023.

On April 14th, 2023, Richard M. Allen was evaluated by two psychiatrists and one psychologist to discuss his turn in behavior and whether or not there was a need for involuntary medication. The panel would also discuss moving Richard M. Allen to a different facility that has a psychiatric unit. From that meeting, it was determined that Richard M. Allen did not need involuntary medication and that he did not need to be moved to another facility. Since that meeting, Richard M. Allen has began to eat again and has begun to sleep. He behavior has began to return to what it was prior to making the admission on April 3rd, 2023.

Investigators believe the information that Westville Correctional Facility has gathered since Richard M. Allen was placed in that facility is important to the investigation. Investigators believe that there is video evidence that will include his admissions, plus his behavior prior to the admission and directly after. Investigators also believe logs kept of his daily routines are important to determine when he was in his cell and when he was removed and the reasons he was removed. Further, any records of physical exams and/or mental exams will be important to determine the state of his mental and physical health. This information is needed to refute the allegations made in Defense's Emergency Motion to Modify Safekeeping Order. The evidence is also necessary to refute the allegations of diminished mental capacity and/or other possible defenses. It may also be important as the State introduces additional evidence gathered, including admissions made by Richard M. Allen himself. Investigators believe all the information is important in the continued investigation for Murder of Abigail Williams and Liberty German.

For these reasons, the State is requesting the employment records for Richard Allen as specified in the attached Subpoena Duces Tecum and/or Request for Production of Documents and Records to a Non-Party: (H.I.)

This request is made for the purpose of an investigation regarding Murder. Further in response to the observations made by the investigating officer, the State believes that Richard Allen is a suspect in the criminal acts. The State believes that the employment records would be able to confirm or support information that the law enforcement has acquired as a result of the murder investigation.

The State of Indiana has contacted Defense counsel for Richard Allen and Defense counsel has not informed me whether they consent or object to this subpoenas. The State of Indiana has also sent them a courtesy copy of this subpoena, via email.

WHEREFORE, the State of Indiana, by Nicholas C. McLeland, Prosecuting Attorney for the 74th Judicial Circuit, respectfully prays that this Court review the attached Subpoena and then order production of said records, and such other relief as is just and proper in the premises.

Respectfully submitted,

Nicholas C. McLeland
Prosecuting Attorney
101 West Main Street
Delphi, IN 46923
765-564-4514

CERTIFICATE OF SERVICE

I hereby certify that service of a true and complete copy of the above and foregoing pleading or paper was made upon the following parties and filed with the Carroll Circuit Court by depositing the same in the United States mail in an envelope properly addressed and with sufficient postage affixed this 20TH day of April, 2023.

Westville Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391

Nicholas C. McLeland
Carroll County Prosecutor
28300-08

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

MOTION FOR LEAVE OF COURT TO SUBPOENA THIRD-PARTY RECORDS

Comes now the State of Indiana, by Nicholas C. McLeland, Prosecuting Attorney for the 74th Judicial Circuit, and moves this Court for an Order for Westville Correctional Facility, Attn: Elise Gallagher, 5501 S. 1100 W., Westville, IN 46391, to produce to the Carroll County Prosecutor's Office, Attn: Nicholas C. McLeland, 101 West Main Street, Delphi, IN 46923, any and all medical records for Richard Allen, DOB: 09/09/1972, SSN: 303-82-3934, associated with his stay as an inmate at that facility, from November 3rd, 2022 until present.

While working the Delphi investigation, Carroll County Sheriff's Department Detective Tony Liggett developed information that Richard Allen was involved in the murders of Victim 1 and Victim 2. The investigation shows the following:

That on February 14th, 2017 Victim 1 and Victim 2 were found deceased in the woods approximately 0.2 miles northeast of the Monon High Bridge in Carroll County. Their bodies were located on the north side of the Deer Creek.

At the time, the Monon High Bridge Trail was an approximately 1 mile gravel trail terminating at the Monon High Bridge. The Monon High Bridge is an abandoned railroad trestle approximately 0.25 miles long spanning the Deer Creek and Deer Creek valley on the southeast end of the trail. Approximately 0.7 miles northwest on the trail from the northwestern edge of the Monon High Bridge is the Freedom Bridge, which is a pedestrian bridge spanning State Road 25. Approximately 350 feet west of Freedom Bridge was a former railroad overpass over Old State Road 25 (also known as County Road 300 North). The trail terminates just west of the former railroad overpass. The majority of the trail is in a wooded area with a steep embankment on the south side of the trail. The entirety of the trail and the location of the girls bodies were and are located in Carroll County, Indiana.

Through interviews, reviews of electronic records, and review of video at the Hoosier

Harvestore, investigators believe Victim 1 and Victim 2 were dropped off across from the Mears Farm at 1:49 p.m. on February 13th, 2017 by Kelsi German. The Mears farm is located on the north side of County Road 300 North near an entrance to the trails. A video from Victim 2's phone shows that at 2:13 p.m. Victim 1 and Victim 2 encountered a male subject on the southeast portion of the Monon High Bridge. The male ordered the girls "Guys, Down the hill". No witnesses saw them after this time. No outgoing communications were found on Victim 2's phone after this time. Their bodies were discovered on February 14th, 2017.

The video recovered from Victim 2's phone shows Victim 1 walking southeast on the Monon High Bridge while a male subject wearing a dark jacket and jeans walks behind her. As the male subject approaches Victim 1 and Victim 2, one of the victims mentions, "gun". Near the end of the video a male is seen and heard telling the girls, "Guys, Down the hill." The girls then begin to proceed down the hill and the video ends. A still photograph taken from the video and the "Guys, Down the hill" audio was subsequently released to the public to assist investigators in identifying the male.

Victim 1 and Victim 2's deaths were ruled as homicides. Clothes were found in the Deer Creek belonging to Victim 1 and Victim 2, south of where their bodies were located. There was also a .40 caliber unspent round less than two feet away from Victim 2's body, between Victim 1 and Victim 2's bodies. The round was unspent and had extraction marks on it.

Interviews were conducted with 3 juveniles, R.V., B.W. and A.S.. They advised they were on the Monon High Bridge Trail on February 13th, 2017. They advised they were walking on the trail toward Freedom Bridge to go home when they encountered a male walking from Freedom Bridge toward the Monon High Bridge. A.S. described the male as "kind of creepy" and advised he was wearing "like blue jeans a like really light blue jacket and he his hair was gray maybe a little brown and he did not really show his face." She advised the jacket was a duck canvas type jacket. R.V. advised she said "Hi" to the male but he just glared at them. She recalled him being in all black and had something covering his mouth. She described him as "not very tall" with a bigger build. She said he was not bigger than 5'10". R.V. advised he was wearing a black hoodie, black jeans, and black boots. She stated he had his hands in his pockets.

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1:46 p.m. toward the entrance across from the Mears farm. Betsy advised she saw 4 juvenile females walking on the bridge over Old State Road 25 as she was driving underneath on her way to park. Betsy advised there were no other cars parked across from the Mears farm when she parked. She advised she walked to the Monon High Bridge and observed a male matching the one from Victim 2's video. She described the male she saw as a white male, wearing blue jeans and a blue jean jacket. She advised he was standing on the first platform of the Monon High Bridge, approximately 50 feet from her. She advised she turned around at the bridge and continued her walk. She advised approximately halfway between the bridge and the parking area across from Mears farm, she passed two girls walking toward Monon High Bridge. She advised she believed the girls were Victim 1 and Victim 2. Video from the Hoosier Harvestore shows at 1:49 p.m. a white car matching Kelsi German's vehicle traveling away from the entrance across from the Mears farm. Betsy advised she finished her walk and saw no other adults other than the male on the bridge. Her vehicle is seen on Hoosier Harvestore video at 2:14 p.m. leaving westbound from the trails. Betsy advised when she was leaving she noted a vehicle was parked in an odd manner at the old Child Protective Services building. She said it was not odd for vehicles to be parked there but she noticed it was odd because of the manner it was parked, backed in near the building. Investigators received a tip from Terry Wilson in which he stated he was on his way to Delphi on State Road 25 around 2:10 p.m. on February 13th, 2017. He observed a purple PT Cruiser or a small SUV type vehicle parked on the south side of the old CPS building. He stated it appeared as though it was backed in as to conceal the license plate of the vehicle. Betsy and Terry both drew diagrams of where they saw the vehicle parked and their diagrams generally matched as to the area the vehicle was parked and the manner in which it was parked. Wesley McWhirter advised he remembered seeing a smaller dark colored car parked at the old CPS building. He described it as possibly being a "smart" car. McWhirter's vehicle is seen leaving at 2:28 p.m. on the Hoosier Harvestore video.

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Through interviews, electronic data, photographs, and video from the Hoosier Harvestore investigators determined that there were other people on the trail that day after 2:13 p.m. Those people were interviewed and none of those individuals encountered the male subject referenced above, witnessed by the juvenile girls, Betsy Blair and Sarah Carbaugh. Further none of those individuals witnessed Victim 1 and Victim 2.

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Potential follow up information: Who were the three girls walking in the area of Freedom Bridge?

Investigators believe Mr. Allen was referring to the former Child Protective Services building as there was not a Farm Bureau building in the area nor had there been. Investigators believe the females he saw included R.V., B.W. and A.S. due to the time they were leaving the trail, the time he reported getting to the trail, and the descriptions the three females gave.

Investigators discovered Richard Allen owned two vehicles in 2017 – a 2016 black Ford Focus and a 2006 gray Ford 500. Investigators observed a vehicle that resembled Allen's 2016 Ford Focus on the Hoosier Harvestore video at 1:27 p.m traveling westbound on CR 300 North in front of the Hoosier Harvestore, which coincided with his statement that he arrived around 1:30 p.m. at the trails. Investigators note witnesses described the vehicle parked at the former Child Protective Services Building as a PT Cruiser, small SUV, or "Smart" car. Investigators believe those descriptions are similar in nature to a 2016 Ford Focus.

On October 13th, 2022 Richard Allen was interviewed again by investigators. He advised he was on the trails on February 13th, 2017. He stated he saw juvenile girls on the trails east of Freedom Bridge and that he went onto the Monon High Bridge. Richard Allen further stated he went out onto the Monon High Bridge to watch the fish. Later in his statement, he said he walked out to the first platform on the bridge. He stated he then walked back, sat on a bench on the trail and then left. He stated he parked his car on the side of an old building. He told investigators that he was wearing blue jeans and a blue or black Carhartt jacket with a hood. He advised he may have been wearing some type of head covering as well. He further claimed he saw no one else except for the juvenile girls he saw east of the Freedom Bridge. He told investigators that he owns firearms and they are at his home.

Richard M. Allen's wife, Kathy Allen, also spoke to investigators. She confirmed that Richard did have guns and knives at the residence. She also stated that Richard still owns a blue Carhartt jacket.

On October 13th, 2022, Investigators executed a search warrant of Richard Allen's residence at 1967 North Whiteman Drive, Delphi, Carroll County, Indiana. Among other items, officers located jackets, boots, knives and firearms, including a Sig Sauer, Model P226, .40 caliber pistol with serial number U 625 627.

Between October 14th, 2022 and October 19th, 2022 the Indiana State Police Laboratory performed an analysis on Allen's Sig Sauer Model P226. The Laboratory performed a physical examination and classification of the firearm, function test, barrel and overall length measurement, test firing, ammunition component characterization, microscopic comparison, and NIBIN. The Laboratory determined the unspent round located within two feet of Victim 2's body had been cycled through Richard M. Allen's Sig Sauer Model P226. The Laboratory remarked:

An identification opinion is reached when the evidence exhibits an agreement of class characteristics and a sufficient agreement of individual marks.

Sufficient agreement is related to the significant duplication of random striated/impressed marks as evidenced by the correspondence of a pattern or combination of patterns of surface contours. The interpretation of identification is subjective in nature, and based on relevant scientific research and the reporting examiner's training and experience.

Investigators then ran the firearm and found that the firearm was purchased by Richard Allen in 2001. Richard Allen voluntarily came to the Indiana State Police post on October 26th, 2022. He spoke with investigators and stated that he never allowed anyone to use or borrow the Sig Sauer Model P226 firearm. When asked about the unspent bullet, he did not have an explanation of why the bullet was found between the bodies of Victim 1 and Victim 2. He again admitted that he was on the trail but denied knowing Victim 1 or Victim 2 and denied any involvement in their murders.

Carroll County Sheriff's Department Detective Tony Liggett has been part of the investigation since it started in 2017. He has had an opportunity to review and examine evidence gathered in this investigation. Detective Liggett, along with other investigators, believe the evidence gathered shows that Richard Allen is the male subject seen on the video from Victim 2's phone who forced the victims down the hill. Further, that the victims were forced down the hill by Richard Allen and lead to the location where they were murdered.

Through the statements and photographs of the juvenile females and the statement of Betsy Blair, R.V., B.W., and A.S. were at the southeast edge of the trail at 12:43 p.m., east of Freedom Bridge at 1:26 p.m., and walked across the former railroad overpass over Old State Road 25 after 1:26 p.m. and before 1:46 p.m. They walked the entirety of the trail and observed only one person – an adult male. Betsy Blair's vehicle is seen on Hoosier Harvestore video at 1:46 p.m. and leaving at 2:14 p.m. and she stated she only saw one adult male. R.V., B.W., A.S., and Betsy Blair described the male in similar manners, wearing similar clothing, leading investigators to believe all four saw the same male individual.

Investigators believe the male observed by Betsy Blair, R.V., B.W., and A.S. is the same male depicted in the video from Victim 2's phone due to the descriptions of the male by the four females matching the male in the video. Furthermore, Victim 2's video was taken at 2:13 p.m., and Betsy Blair saw only one male while she was on the trail from approximately 1:46 p.m. to 2:14 p.m.

Investigators believe Richard Allen was the male seen by Betsy Blair, R.V., B.W., and A.S. and the male seen in Victim 2's video. Richard Allen told investigators he was on the trail from 1:30 p.m. to 3:30 p.m. that day. Video from Hoosier Harvestore shows a vehicle that matches the description of Richard Allen's vehicle passing at 1:27 p.m. toward the former CPS building. The clothing he told investigators he was wearing match the clothing of the male in Victim 2's video and the clothing descriptions provided by Betsy Blair, R.V., B.W., and A.S. A vehicle matching the description of his 2016 Ford Focus is seen at or around 2:10 p.m., 2:14 p.m., and 2:28 p.m. at the former CPS building. Through his own admissions, Richard Allen walked the trails and eventually hiked to the Monon High Bridge and walked out onto the Monon High Bridge.

A male subject matching Richard Allen's description was not seen on the trail after 2:13 p.m. Investigators identified other individuals on the trails or C.R. 300 North between 2:30 p.m. and 4:11 p.m. None of those individuals saw a male subject matching the description of Richard Allen on the trail. Furthermore, Richard Allen stated that he only saw three girls on the trail, who investigators believe to be R.V., B.W., and A.S.

Investigators believe Richard Allen was not seen on the trail after 2:13 p.m. because he was in the woods with Victim 1 and Victim 2. An unspent .40 caliber round between the bodies of Victim 1 and Victim 2, was forensically determined to have been cycled through Richard Allen's Sig Sauer Model P226. The Sig Sauer Model P226 was found at Richard Allen's residence and he admitted to owning it. Investigators were able to determine that he had owned it since 2001. Richard Allen stated he had not been on that property where the unspent round was found, that he did not know the property owner, and that he had no explanation as to why a round cycled through his firearm would be at that location. Furthermore, he stated that he never allowed anyone to use or borrow the Sig Sauer Model P226. Investigators believe that after the victims were murdered, Richard Allen returned to his vehicle by walking down CR 300 North. Investigators believe he was seen by Sarah Carbaugh walking back to his vehicle on CR 300 north, with clothes that were muddy and bloody.

Tony Liggett, along with investigators, believe the statements made by the witnesses because the statements corroborate the timeline of the death the two victims, as well as coincide with the admissions made by Richard Allen. Further, the accounts relayed by Betsy Blair, R.V., B.W., and A.S. are similar in nature and time stamps on photographs taken by B.W. correspond to the times the juvenile females said they were on the trail and saw male individual.

Investigators believe Richard M. Allen committed this kidnapping which resulted in the killing of Victim 1 and Victim 2. From their prior conclusions investigators believe Richard M. Allen was the male depicted in Victim 2's video saying, "Guys, Down the hill." They believe Richard M. Allen was carrying his Sig Sauer Model P226 on that day due to the cycled round matching that firearm was located within feet of Victim 2's body. They further believe he was carrying the Sig Sauer Model P226 from the audio from Victim 2's video in which investigators believe they hear the sound of a gun being cycled and one of the victims mentioning a "gun." Investigators believe after that time Victim 1 and Victim 2 were removed from the bridge by Richard to where their murders occurred.

Charges were filed against Richard M. Allen on October 28th, 2022 for 2 counts of Murder. Once Richard M. Allen was taken into custody, he was moved to the Westville Correctional Facility, which is part of the Indiana Department of Corrections, for safe keeping. He has been in said facility since November, 2022. When Richard M. Allen entered the facility, he was placed in the segregation unit for his protection. In the segregation unit, his cell is equipped with a video recorder which records his activities within the cell. There are also logs indicating when Richard M. Allen leaves the cell and for what purposes. He is also being seen by medical providers and mental health specialists to evaluate his physical condition and monitor his mental health. Richard M. Allen also has the ability to use a tablet in his cell to send text messages, make phone calls and listen to music.

Upon Richard M. Allen's arrival to the facility, he was placed on "suicide watch" because of certain statements he made about harming himself. Throughout his stay, his mental health improved to the point that he was taken off of "suicide watch". He was also participating in recreation time and beginning to exercise. The facility reports that he was doing well and that they had no issues or concerns. His day to day demeanor was that he was quiet, read a lot of books, did crossword puzzles and exercised daily.

On April 3rd, 2023, Richard M. Allen made a phone call to his wife Kathy Allen. In that phone call, Richard M. Allen admits several times that he killed Abby and Libby.

Investigators had the phone call transcribed and the transcription confirms that Richard M. Allen admits that he committed the murders of Abigail Williams and Liberty German. He admits several times within the phone call that he committed the offenses as charged. His wife, Kathy Allen, ends the phone call abruptly.

Soon after, attorneys for Richard M. Allen filed an Emergency Motion to Modify Safekeeping Order. In that motion, the Defense states that Richard M. Allen's mental state has declined because Westville Correctional Facility is unfit and that he should be moved. Defense also makes allegations that his mental health has declined to the point where Richard M. Allen has been deprived of his constitutional right to assist in his defense of this case. Further, Defense alleges that his mental capacity has declined because of his incarceration at Westville Correctional Facility. Defense has also challenged that his treatment is unconstitutional. Soon after, investigators were made aware by the Warden of Westville Correctional Facility that Richard M. Allen began to act strangely.

Richard M. Allen was wetting down paperwork he had gotten from his attorneys and eating it, he was refusing to eat and refusing to sleep. He would go days on end refusing to sleep. He further, broke the tablet that he used for text messages and phone calls. He went from making up to 2 phone calls a day as of April 3rd, 2023 to not making any phone calls at all. To date, Richard M. Allen still has not made a phone call since April 3rd, 2023.

On April 14th, 2023, Richard M. Allen was evaluated by two psychiatrists and one psychologist to discuss his turn in behavior and whether or not there was a need for involuntary medication. The panel would also discuss moving Richard M. Allen to a different facility that has a psychiatric unit. From that meeting, it was determined that Richard M. Allen did not need involuntary medication and that he did not need to be moved to another facility. Since that meeting, Richard M. Allen has began to eat again and has begun to sleep. He behavior has began to return to what it was prior to making the admission on April 3rd, 2023.

Investigators believe the information that Westville Correctional Facility has gathered since Richard M. Allen was placed in that facility is important to the investigation. Investigators believe that there is video evidence that will include his admissions, plus his behavior prior to the admission and directly after. Investigators also believe logs kept of his daily routines are important to determine when he was in his cell and when he was removed and the reasons he was removed. Further, any records of physical exams and/or mental exams will be important to determine the state of his mental and physical health. This information is needed to refute the allegations made in Defense's Emergency Motion to Modify Safekeeping Order. The evidence is also necessary to refute the allegations of diminished mental capacity and/or other possible defenses. It may also be important as the State introduces additional evidence gathered, including admissions made by Richard M. Allen himself. Investigators believe all the information is important in the continued investigation for Murder of Abigail Williams and Liberty German.

For these reasons, the State is requesting the employment records for Richard Allen as specified in the attached Subpoena Duces Tecum and/or Request for Production of Documents and Records to a Non-Party: (H.I.)

This request is made for the purpose of an investigation regarding Murder. Further in response to the observations made by the investigating officer, the State believes that Richard Allen is a suspect in the criminal acts. The State believes that the employment records would be able to confirm or support information that the law enforcement has acquired as a result of the murder investigation.

The State of Indiana has contacted Defense counsel for Richard Allen and Defense counsel has not informed me whether they consent or object to this subpoenas. The State of Indiana has also sent them a courtesy copy of this subpoena, via email.

WHEREFORE, the State of Indiana, by Nicholas C. McLeland, Prosecuting Attorney for the 74th Judicial Circuit, respectfully prays that this Court review the attached Subpoena and then order production of said records, and such other relief as is just and proper in the premises.

Respectfully submitted,

Nicholas C. McLeland
Prosecuting Attorney
101 West Main Street
Delphi, IN 46923
765-564-4514

CERTIFICATE OF SERVICE

I hereby certify that service of a true and complete copy of the above and foregoing pleading or paper was made upon the following parties and filed with the Carroll Circuit Court by depositing the same in the United States mail in an envelope properly addressed and with sufficient postage affixed this 20TH day of April, 2023.

Westville Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391

Nicholas C. McLeland
Carroll County Prosecutor
28300-08

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

MOTION FOR LEAVE OF COURT TO SUBPOENA THIRD-PARTY RECORDS

Comes now the State of Indiana, by Nicholas C. McLeland, Prosecuting Attorney for the 74th Judicial Circuit, and moves this Court for an Order for CVS Headquarters, Attn: Records Department, One CVS Drive, Woonsocket, RI 02895, to produce to the Carroll County Prosecutor's Office, Attn: Nicholas C. McLeland, 101 West Main Street, Delphi, IN 46923, any and all employment records for Richard Allen, DOB: 09/09/1972, SSN: 303-82-3934, for his employment with your company.

While working the Delphi investigation, Carroll County Sheriff's Department Detective Tony Liggett developed information that Richard Allen was involved in the murders of Victim 1 and Victim 2. The investigation shows the following:

That on February 14th, 2017 Victim 1 and Victim 2 were found deceased in the woods approximately 0.2 miles northeast of the Monon High Bridge in Carroll County. Their bodies were located on the north side of the Deer Creek.

At the time, the Monon High Bridge Trail was an approximately 1 mile gravel trail terminating at the Monon High Bridge. The Monon High Bridge is an abandoned railroad trestle approximately 0.25 miles long spanning the Deer Creek and Deer Creek valley on the southeast end of the trail. Approximately 0.7 miles northwest on the trail from the northwestern edge of the Monon High Bridge is the Freedom Bridge, which is a pedestrian bridge spanning State Road 25. Approximately 350 feet west of Freedom Bridge was a former railroad overpass over Old State Road 25 (also known as County Road 300 North). The trail terminates just west of the former railroad overpass. The majority of the trail is in a wooded area with a steep embankment on the south side of the trail. The entirety of the trail and the location of the girls bodies were and are located in Carroll County, Indiana.

Through interviews, reviews of electronic records, and review of video at the Hoosier

Harvestore, investigators believe Victim 1 and Victim 2 were dropped off across from the Mears Farm at 1:49 p.m. on February 13th, 2017 by Kelsi German. The Mears farm is located on the north side of County Road 300 North near an entrance to the trails. A video from Victim 2's phone shows that at 2:13 p.m. Victim 1 and Victim 2 encountered a male subject on the southeast portion of the Monon High Bridge. The male ordered the girls "Guys, Down the hill". No witnesses saw them after this time. No outgoing communications were found on Victim 2's phone after this time. Their bodies were discovered on February 14th, 2017.

The video recovered from Victim 2's phone shows Victim 1 walking southeast on the Monon High Bridge while a male subject wearing a dark jacket and jeans walks behind her. As the male subject approaches Victim 1 and Victim 2, one of the victims mentions, "gun". Near the end of the video a male is seen and heard telling the girls, "Guys, Down the hill." The girls then begin to proceed down the hill and the video ends. A still photograph taken from the video and the "Guys, Down the hill" audio was subsequently released to the public to assist investigators in identifying the male.

Victim 1 and Victim 2's deaths were ruled as homicides. Clothes were found in the Deer Creek belonging to Victim 1 and Victim 2, south of where their bodies were located. There was also a .40 caliber unspent round less than two feet away from Victim 2's body, between Victim 1 and Victim 2's bodies. The round was unspent and had extraction marks on it.

Interviews were conducted with 3 juveniles, R.V., B.W. and A.S.. They advised they were on the Monon High Bridge Trail on February 13th, 2017. They advised they were walking on the trail toward Freedom Bridge to go home when they encountered a male walking from Freedom Bridge toward the Monon High Bridge. A.S. described the male as "kind of creepy" and advised he was wearing "like blue jeans a like really light blue jacket and he his hair was gray maybe a little brown and he did not really show his face." She advised the jacket was a duck canvas type jacket. R.V. advised she said "Hi" to the male but he just glared at them. She recalled him being in all black and had something covering his mouth. She described him as "not very tall" with a bigger build. She said he was not bigger than 5'10". R.V. advised he was wearing a black hoodie, black jeans, and black boots. She stated he had his hands in his pockets.

B.W. showed investigators photographs she took on her phone while she was on the trail that day. The photographs included a photo of the Monon High Bridge taken at 12:43 p.m., and another one taken at 1:26 p.m. of the bench East of the Freedom Bridge. B.W. advised after she took the photo of the bench they started walking back toward Freedom Bridge. She advised that was when they encountered the man who matched the description of the photograph taken from Victim 2's video. B.W. described the man she encountered on the trail as wearing a blue or black windbreaker jacket. She advised the jacket had a collar and he had his hood up from the clothing underneath his jacket. She advised he was wearing baggy jeans and was taller than her. She advised her head came up to approximately his shoulder. She advised R.V. said "Hi" to the man and that he said nothing back. She stated he was walking with a purpose like he knew where he was going. She stated he had his hands in his pockets and kept his head down. She advised she did not get a good look at his face but believed him to be a white male. The girls advised after encountering the male they continued their walk across Freedom Bridge and the old railroad bridge over Old State Road 25.

Investigators spoke with Betsy Blair who advised she was on the trails on February 13th, 2017. Video from the Hoosier Harvestore captured Betsy's vehicle traveling eastbound at

1:46 p.m. toward the entrance across from the Mears farm. Betsy advised she saw 4 juvenile females walking on the bridge over Old State Road 25 as she was driving underneath on her way to park. Betsy advised there were no other cars parked across from the Mears farm when she parked. She advised she walked to the Monon High Bridge and observed a male matching the one from Victim 2's video. She described the male she saw as a white male, wearing blue jeans and a blue jean jacket. She advised he was standing on the first platform of the Monon High Bridge, approximately 50 feet from her. She advised she turned around at the bridge and continued her walk. She advised approximately halfway between the bridge and the parking area across from Mears farm, she passed two girls walking toward Monon High Bridge. She advised she believed the girls were Victim 1 and Victim 2. Video from the Hoosier Harvestore shows at 1:49 p.m. a white car matching Kelsi German's vehicle traveling away from the entrance across from the Mears farm. Betsy advised she finished her walk and saw no other adults other than the male on the bridge. Her vehicle is seen on Hoosier Harvestore video at 2:14 p.m. leaving westbound from the trails. Betsy advised when she was leaving she noted a vehicle was parked in an odd manner at the old Child Protective Services building. She said it was not odd for vehicles to be parked there but she noticed it was odd because of the manner it was parked, backed in near the building. Investigators received a tip from Terry Wilson in which he stated he was on his way to Delphi on State Road 25 around 2:10 p.m. on February 13th, 2017. He observed a purple PT Cruiser or a small SUV type vehicle parked on the south side of the old CPS building. He stated it appeared as though it was backed in as to conceal the license plate of the vehicle. Betsy and Terry both drew diagrams of where they saw the vehicle parked and their diagrams generally matched as to the area the vehicle was parked and the manner in which it was parked. Wesley McWhirter advised he remembered seeing a smaller dark colored car parked at the old CPS building. He described it as possibly being a "smart" car. McWhirter's vehicle is seen leaving at 2:28 p.m. on the Hoosier Harvestore video.

Investigators spoke with Sarah Carbaugh, who stated that she was traveling East on 300 North on February 13th, 2022 and observed a male subject walking west, on the North side of 300 North, away from the Monon High Bridge. Sarah advised that the male subject was wearing a blue colored jacket and blue jeans and was muddy and bloody. She further stated, that it appeared he had gotten into a fight. Investigators were able to determine from watching the video from the Hoosier Harvestore that Sarah Carbaugh was traveling on CR 300 North at approximately 3:57 p.m.

Through interviews, electronic data, photographs, and video from the Hoosier Harvestore investigators determined that there were other people on the trail that day after 2:13 p.m. Those people were interviewed and none of those individuals encountered the male subject referenced above, witnessed by the juvenile girls, Betsy Blair and Sarah Carbaugh. Further none of those individuals witnessed Victim 1 and Victim 2.

Investigators reviewing prior tips encountered a tip narrative from an officer who interviewed Richard M. Allen in 2017. That narrative stated:

> *Mr. Allen was on the trail between 1330-1530. He parked at the old Farm Bureau building and walked to the new Freedom Bridge. While at the Freedom Bridge he saw three females. He noted one was taller and had brown or black hair. He did not remember description nor did he speak with them. He walked from the Freedom Bridge to the High Bridge. He did not see anybody, although he stated he was watching a stock ticker on his phone as he walked. He stated*

there were vehicles parked at the High Bridge trail head, however did not pay attention to them. He did not take any photos or video.
His cell phone did not list an IMEI but did have the following:
MEID-256 691 463 100 153 495
MEIDHEX-9900247025797
Potential follow up information: Who were the three girls walking in the area of Freedom Bridge?

Investigators believe Mr. Allen was referring to the former Child Protective Services building as there was not a Farm Bureau building in the area nor had there been. Investigators believe the females he saw included R.V., B.W. and A.S. due to the time they were leaving the trail, the time he reported getting to the trail, and the descriptions the three females gave.

Investigators discovered Richard Allen owned two vehicles in 2017 – a 2016 black Ford Focus and a 2006 gray Ford 500. Investigators observed a vehicle that resembled Allen's 2016 Ford Focus on the Hoosier Harvestore video at 1:27 p.m traveling westbound on CR 300 North in front of the Hoosier Harvestore, which coincided with his statement that he arrived around 1:30 p.m. at the trails. Investigators note witnesses described the vehicle parked at the former Child Protective Services Building as a PT Cruiser, small SUV, or "Smart" car. Investigators believe those descriptions are similar in nature to a 2016 Ford Focus.

On October 13th, 2022 Richard Allen was interviewed again by investigators. He advised he was on the trails on February 13th, 2017. He stated he saw juvenile girls on the trails east of Freedom Bridge and that he went onto the Monon High Bridge. Richard Allen further stated he went out onto the Monon High Bridge to watch the fish. Later in his statement, he said he walked out to the first platform on the bridge. He stated he then walked back, sat on a bench on the trail and then left. He stated he parked his car on the side of an old building. He told investigators that he was wearing blue jeans and a blue or black Carhartt jacket with a hood. He advised he may have been wearing some type of head covering as well. He further claimed he saw no one else except for the juvenile girls he saw east of the Freedom Bridge. He told investigators that he owns firearms and they are at his home.

Richard M. Allen's wife, Kathy Allen, also spoke to investigators. She confirmed that Richard did have guns and knives at the residence. She also stated that Richard still owns a blue Carhartt jacket.

On October 13th, 2022, Investigators executed a search warrant of Richard Allen's residence at 1967 North Whiteman Drive, Delphi, Carroll County, Indiana. Among other items, officers located jackets, boots, knives and firearms, including a Sig Sauer, Model P226, .40 caliber pistol with serial number U 625 627.

Between October 14th, 2022 and October 19th, 2022 the Indiana State Police Laboratory performed an analysis on Allen's Sig Sauer Model P226. The Laboratory performed a physical examination and classification of the firearm, function test, barrel and overall length measurement, test firing, ammunition component characterization, microscopic comparison, and NIBIN. The Laboratory determined the unspent round located within two feet of Victim 2's body had been cycled through Richard M. Allen's Sig Sauer Model P226. The Laboratory remarked:

An identification opinion is reached when the evidence exhibits an agreement of class characteristics and a sufficient agreement of individual marks.

Sufficient agreement is related to the significant duplication of random striated/impressed marks as evidenced by the correspondence of a pattern or combination of patterns of surface contours. The interpretation of identification is subjective in nature, and based on relevant scientific research and the reporting examiner's training and experience.

Investigators then ran the firearm and found that the firearm was purchased by Richard Allen in 2001. Richard Allen voluntarily came to the Indiana State Police post on October 26th, 2022. He spoke with investigators and stated that he never allowed anyone to use or borrow the Sig Sauer Model P226 firearm. When asked about the unspent bullet, he did not have an explanation of why the bullet was found between the bodies of Victim 1 and Victim 2. He again admitted that he was on the trail but denied knowing Victim 1 or Victim 2 and denied any involvement in their murders.

Carroll County Sheriff's Department Detective Tony Liggett has been part of the investigation since it started in 2017. He has had an opportunity to review and examine evidence gathered in this investigation. Detective Liggett, along with other investigators, believe the evidence gathered shows that Richard Allen is the male subject seen on the video from Victim 2's phone who forced the victims down the hill. Further, that the victims were forced down the hill by Richard Allen and lead to the location where they were murdered.

Through the statements and photographs of the juvenile females and the statement of Betsy Blair, R.V., B.W., and A.S. were at the southeast edge of the trail at 12:43 p.m., east of Freedom Bridge at 1:26 p.m., and walked across the former railroad overpass over Old State Road 25 after 1:26 p.m. and before 1:46 p.m. They walked the entirety of the trail and observed only one person – an adult male. Betsy Blair's vehicle is seen on Hoosier Harvestore video at 1:46 p.m. and leaving at 2:14 p.m. and she stated she only saw one adult male. R.V., B.W., A.S., and Betsy Blair described the male in similar manners, wearing similar clothing, leading investigators to believe all four saw the same male individual.

Investigators believe the male observed by Betsy Blair, R.V., B.W., and A.S. is the same male depicted in the video from Victim 2's phone due to the descriptions of the male by the four females matching the male in the video. Furthermore, Victim 2's video was taken at 2:13 p.m., and Betsy Blair saw only one male while she was on the trail from approximately 1:46 p.m. to 2:14 p.m.

Investigators believe Richard Allen was the male seen by Betsy Blair, R.V., B.W., and A.S. and the male seen in Victim 2's video. Richard Allen told investigators he was on the trail from 1:30 p.m. to 3:30 p.m. that day. Video from Hoosier Harvestore shows a vehicle that matches the description of Richard Allen's vehicle passing at 1:27 p.m. toward the former CPS building. The clothing he told investigators he was wearing match the clothing of the male in Victim 2's video and the clothing descriptions provided by Betsy Blair, R.V., B.W., and A.S. A vehicle matching the description of his 2016 Ford Focus is seen at or around 2:10 p.m., 2:14 p.m., and 2:28 p.m. at the former CPS building. Through his own admissions, Richard Allen walked the trails and eventually hiked to the Monon High Bridge and walked out onto the Monon High Bridge.

A male subject matching Richard Allen's description was not seen on the trail after 2:13 p.m. Investigators identified other individuals on the trails or C.R. 300 North between 2:30 p.m. and 4:11 p.m. None of those individuals saw a male subject matching the description of Richard Allen on the trail. Furthermore, Richard Allen stated that he only saw three girls on the trail, who investigators believe to be R.V., B.W., and A.S.

Investigators believe Richard Allen was not seen on the trail after 2:13 p.m. because he was in the woods with Victim 1 and Victim 2. An unspent .40 caliber round between the bodies of Victim 1 and Victim 2, was forensically determined to have been cycled through Richard Allen's Sig Sauer Model P226. The Sig Sauer Model P226 was found at Richard Allen's residence and he admitted to owning it. Investigators were able to determine that he had owned it since 2001. Richard Allen stated he had not been on that property where the unspent round was found, that he did not know the property owner, and that he had no explanation as to why a round cycled through his firearm would be at that location. Furthermore, he stated that he never allowed anyone to use or borrow the Sig Sauer Model P226. Investigators believe that after the victims were murdered, Richard Allen returned to his vehicle by walking down CR 300 North. Investigators believe he was seen by Sarah Carbaugh walking back to his vehicle on CR 300 north, with clothes that were muddy and bloody.

Tony Liggett, along with investigators, believe the statements made by the witnesses because the statements corroborate the timeline of the death the two victims, as well as coincide with the admissions made by Richard Allen. Further, the accounts relayed by Betsy Blair, R.V., B.W., and A.S. are similar in nature and time stamps on photographs taken by B.W. correspond to the times the juvenile females said they were on the trail and saw male individual.

Investigators believe Richard M. Allen committed this kidnapping which resulted in the killing of Victim 1 and Victim 2. From their prior conclusions investigators believe Richard M. Allen was the male depicted in Victim 2's video saying, "Guys, Down the hill." They believe Richard M. Allen was carrying his Sig Sauer Model P226 on that day due to the cycled round matching that firearm was located within feet of Victim 2's body. They further believe he was carrying the Sig Sauer Model P226 from the audio from Victim 2's video in which investigators believe they hear the sound of a gun being cycled and one of the victims mentioning a "gun." Investigators believe after that time Victim 1 and Victim 2 were removed from the bridge by Richard to where their murders occurred.

Additional information gathered from the Defendant shows that at the time of the arrest, the Defendant was employed at the CVS in Delphi, Indiana. Investigators spoke to representatives from CVS who stated that they are in possession of Richard Allen's work records. Investigators believe the work records would help determine when he was at work at the CVS located in Delphi and when he was not. Investigators believe from talking to representatives from CVS that Richard Allen's personal files from CVS have information that is important to investigators. Investigators believe Richard Allen's work records and personal files from CVS will have evidence that is important to this investigation.

For these reasons, the State is requesting the employment records for Richard Allen as specified in the attached Subpoena Duces Tecum and/or Request for Production of Documents and Records to a Non-Party: (H.I.)

This request is made for the purpose of an investigation regarding Murder. Further in response to the observations made by the investigating officer, the State believes that Richard

Allen is a suspect in the criminal acts. The State believes that the employment records would be able to confirm or support information that the law enforcement has acquired as a result of the murder investigation.

The State of Indiana has contacted Defense counsel for Richard Allen and Defense counsel consents/objects to this subpoena. Further Defense counsel waives the 15 days and agrees that this subpoena can be granted immediately.

WHEREFORE, the State of Indiana, by Nicholas C. McLeland, Prosecuting Attorney for the 74th Judicial Circuit, respectfully prays that this Court review the attached Subpoena and then order production of said records, and such other relief as is just and proper in the premises.

Respectfully submitted,

Nic C Mcl

Nicholas C. McLeland
Prosecuting Attorney
101 West Main Street
Delphi, IN 46923
765-564-4514

CERTIFICATE OF SERVICE

I hereby certify that service of a true and complete copy of the above and foregoing pleading or paper was made upon the following parties and filed with the Carroll Circuit Court by depositing the same in the United States mail in an envelope properly addressed and with sufficient postage affixed this 20TH day of April, 2023.

CVS Headquarters
Attn: Records Department
One CVS Drive
Woodsocket, RI 02895

Nic C Mcl

Nicholas C. McLeland
Carroll County Prosecutor
28300-08

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

FILED
APR 20 2023
Sharon E Mieburn
CLERK CARROLL CIRCUIT COURT

MOTION FOR LEAVE OF COURT TO SUBPOENA THIRD-PARTY RECORDS

Comes now the State of Indiana, by Nicholas C. McLeland, Prosecuting Attorney for the 74th Judicial Circuit, and moves this Court for an Order for Westville Correctional Facility, Attn: Elise Gallagher, 5501 S. 1100 W., Westville, IN 46391, to produce to the Carroll County Prosecutor's Office, Attn: Nicholas C. McLeland, 101 West Main Street, Delphi, IN 46923, any and all records for Richard Allen, DOB: 09/09/1972, SSN: 303-82-3934, associated with his stay as an inmate at that facility.

While working the Delphi investigation, Carroll County Sheriff's Department Detective Tony Liggett developed information that Richard Allen was involved in the murders of Victim 1 and Victim 2. The investigation shows the following:

That on February 14th, 2017 Victim 1 and Victim 2 were found deceased in the woods approximately 0.2 miles northeast of the Monon High Bridge in Carroll County. Their bodies were located on the north side of the Deer Creek.

At the time, the Monon High Bridge Trail was an approximately 1 mile gravel trail terminating at the Monon High Bridge. The Monon High Bridge is an abandoned railroad trestle approximately 0.25 miles long spanning the Deer Creek and Deer Creek valley on the southeast end of the trail. Approximately 0.7 miles northwest on the trail from the northwestern edge of the Monon High Bridge is the Freedom Bridge, which is a pedestrian bridge spanning State Road 25. Approximately 350 feet west of Freedom Bridge was a former railroad overpass over Old State Road 25 (also known as County Road 300 North). The trail terminates just west of the former railroad overpass. The majority of the trail is in a wooded area with a steep embankment on the south side of the trail. The entirety of the trail and the location of the girls bodies were and are located in Carroll County, Indiana.

Through interviews, reviews of electronic records, and review of video at the Hoosier

Harvestore, investigators believe Victim 1 and Victim 2 were dropped off across from the Mears Farm at 1:49 p.m. on February 13th, 2017 by Kelsi German. The Mears farm is located on the north side of County Road 300 North near an entrance to the trails. A video from Victim 2's phone shows that at 2:13 p.m. Victim 1 and Victim 2 encountered a male subject on the southeast portion of the Monon High Bridge. The male ordered the girls "Guys, Down the hill". No witnesses saw them after this time. No outgoing communications were found on Victim 2's phone after this time. Their bodies were discovered on February 14th, 2017.

The video recovered from Victim 2's phone shows Victim 1 walking southeast on the Monon High Bridge while a male subject wearing a dark jacket and jeans walks behind her. As the male subject approaches Victim 1 and Victim 2, one of the victims mentions, "gun". Near the end of the video a male is seen and heard telling the girls, "Guys, Down the hill." The girls then begin to proceed down the hill and the video ends. A still photograph taken from the video and the "Guys, Down the hill" audio was subsequently released to the public to assist investigators in identifying the male.

Victim 1 and Victim 2's deaths were ruled as homicides. Clothes were found in the Deer Creek belonging to Victim 1 and Victim 2, south of where their bodies were located. There was also a .40 caliber unspent round less than two feet away from Victim 2's body, between Victim 1 and Victim 2's bodies. The round was unspent and had extraction marks on it.

Interviews were conducted with 3 juveniles, R.V., B.W. and A.S.. They advised they were on the Monon High Bridge Trail on February 13th, 2017. They advised they were walking on the trail toward Freedom Bridge to go home when they encountered a male walking from Freedom Bridge toward the Monon High Bridge. A.S. described the male as "kind of creepy" and advised he was wearing "like blue jeans a like really light blue jacket and he his hair was gray maybe a little brown and he did not really show his face." She advised the jacket was a duck canvas type jacket. R.V. advised she said "Hi" to the male but he just glared at them. She recalled him being in all black and had something covering his mouth. She described him as "not very tall" with a bigger build. She said he was not bigger than 5'10". R.V. advised he was wearing a black hoodie, black jeans, and black boots. She stated he had his hands in his pockets.

B.W. showed investigators photographs she took on her phone while she was on the trail that day. The photographs included a photo of the Monon High Bridge taken at 12:43 p.m., and another one taken at 1:26 p.m. of the bench East of the Freedom Bridge. B.W. advised after she took the photo of the bench they started walking back toward Freedom Bridge. She advised that was when they encountered the man who matched the description of the photograph taken from Victim 2's video. B.W. described the man she encountered on the trail as wearing a blue or black windbreaker jacket. She advised the jacket had a collar and he had his hood up from the clothing underneath his jacket. She advised he was wearing baggy jeans and was taller than her. She advised her head came up to approximately his shoulder. She advised R.V. said "Hi" to the man and that he said nothing back. She stated he was walking with a purpose like he knew where he was going. She stated he had his hands in his pockets and kept his head down. She advised she did not get a good look at his face but believed him to be a white male. The girls advised after encountering the male they continued their walk across Freedom Bridge and the old railroad bridge over Old State Road 25.

Investigators spoke with Betsy Blair who advised she was on the trails on February 13th, 2017. Video from the Hoosier Harvestore captured Betsy's vehicle traveling eastbound at

1:46 p.m. toward the entrance across from the Mears farm. Betsy advised she saw 4 juvenile females walking on the bridge over Old State Road 25 as she was driving underneath on her way to park. Betsy advised there were no other cars parked across from the Mears farm when she parked. She advised she walked to the Monon High Bridge and observed a male matching the one from Victim 2's video. She described the male she saw as a white male, wearing blue jeans and a blue jean jacket. She advised he was standing on the first platform of the Monon High Bridge, approximately 50 feet from her. She advised she turned around at the bridge and continued her walk. She advised approximately halfway between the bridge and the parking area across from Mears farm, she passed two girls walking toward Monon High Bridge. She advised she believed the girls were Victim 1 and Victim 2. Video from the Hoosier Harvestore shows at 1:49 p.m. a white car matching Kelsi German's vehicle traveling away from the entrance across from the Mears farm. Betsy advised she finished her walk and saw no other adults other than the male on the bridge. Her vehicle is seen on Hoosier Harvestore video at 2:14 p.m. leaving westbound from the trails. Betsy advised when she was leaving she noted a vehicle was parked in an odd manner at the old Child Protective Services building. She said it was not odd for vehicles to be parked there but she noticed it was odd because of the manner it was parked, backed in near the building. Investigators received a tip from Terry Wilson in which he stated he was on his way to Delphi on State Road 25 around 2:10 p.m. on February 13th, 2017. He observed a purple PT Cruiser or a small SUV type vehicle parked on the south side of the old CPS building. He stated it appeared as though it was backed in as to conceal the license plate of the vehicle. Betsy and Terry both drew diagrams of where they saw the vehicle parked and their diagrams generally matched as to the area the vehicle was parked and the manner in which it was parked. Wesley McWhirter advised he remembered seeing a smaller dark colored car parked at the old CPS building. He described it as possibly being a "smart" car. McWhirter's vehicle is seen leaving at 2:28 p.m. on the Hoosier Harvestore video.

Investigators spoke with Sarah Carbaugh, who stated that she was traveling East on 300 North on February 13th, 2022 and observed a male subject walking west, on the North side of 300 North, away from the Monon High Bridge. Sarah advised that the male subject was wearing a blue colored jacket and blue jeans and was muddy and bloody. She further stated, that it appeared he had gotten into a fight. Investigators were able to determine from watching the video from the Hoosier Harvestore that Sarah Carbaugh was traveling on CR 300 North at approximately 3:57 p.m.

Through interviews, electronic data, photographs, and video from the Hoosier Harvestore investigators determined that there were other people on the trail that day after 2:13 p.m. Those people were interviewed and none of those individuals encountered the male subject referenced above, witnessed by the juvenile girls, Betsy Blair and Sarah Carbaugh. Further none of those individuals witnessed Victim 1 and Victim 2.

Investigators reviewing prior tips encountered a tip narrative from an officer who interviewed Richard M. Allen in 2017. That narrative stated:

> *Mr. Allen was on the trail between 1330-1530. He parked at the old Farm Bureau building and walked to the new Freedom Bridge. While at the Freedom Bridge he saw three females. He noted one was taller and had brown or black hair. He did not remember description nor did he speak with them. He walked from the Freedom Bridge to the High Bridge. He did not see anybody, although he stated he was watching a stock ticker on his phone as he walked. He stated*

there were vehicles parked at the High Bridge trail head, however did not pay attention to them. He did not take any photos or video.
His cell phone did not list an IMEI but did have the following:
MEID-256 691 463 100 153 495
MEIDHEX-9900247025797
Potential follow up information: Who were the three girls walking in the area of Freedom Bridge?

Investigators believe Mr. Allen was referring to the former Child Protective Services building as there was not a Farm Bureau building in the area nor had there been. Investigators believe the females he saw included R.V., B.W. and A.S. due to the time they were leaving the trail, the time he reported getting to the trail, and the descriptions the three females gave.

Investigators discovered Richard Allen owned two vehicles in 2017 – a 2016 black Ford Focus and a 2006 gray Ford 500. Investigators observed a vehicle that resembled Allen's 2016 Ford Focus on the Hoosier Harvestore video at 1:27 p.m traveling westbound on CR 300 North in front of the Hoosier Harvestore, which coincided with his statement that he arrived around 1:30 p.m. at the trails. Investigators note witnesses described the vehicle parked at the former Child Protective Services Building as a PT Cruiser, small SUV, or "Smart" car. Investigators believe those descriptions are similar in nature to a 2016 Ford Focus.

On October 13th, 2022 Richard Allen was interviewed again by investigators. He advised he was on the trails on February 13th, 2017. He stated he saw juvenile girls on the trails east of Freedom Bridge and that he went onto the Monon High Bridge. Richard Allen further stated he went out onto the Monon High Bridge to watch the fish. Later in his statement, he said he walked out to the first platform on the bridge. He stated he then walked back, sat on a bench on the trail and then left. He stated he parked his car on the side of an old building. He told investigators that he was wearing blue jeans and a blue or black Carhartt jacket with a hood. He advised he may have been wearing some type of head covering as well. He further claimed he saw no one else except for the juvenile girls he saw east of the Freedom Bridge. He told investigators that he owns firearms and they are at his home.

Richard M. Allen's wife, Kathy Allen, also spoke to investigators. She confirmed that Richard did have guns and knives at the residence. She also stated that Richard still owns a blue Carhartt jacket.

On October 13th, 2022, Investigators executed a search warrant of Richard Allen's residence at 1967 North Whiteman Drive, Delphi, Carroll County, Indiana. Among other items, officers located jackets, boots, knives and firearms, including a Sig Sauer, Model P226, .40 caliber pistol with serial number U 625 627.

Between October 14th, 2022 and October 19th, 2022 the Indiana State Police Laboratory performed an analysis on Allen's Sig Sauer Model P226. The Laboratory performed a physical examination and classification of the firearm, function test, barrel and overall length measurement, test firing, ammunition component characterization, microscopic comparison, and NIBIN. The Laboratory determined the unspent round located within two feet of Victim 2's body had been cycled through Richard M. Allen's Sig Sauer Model P226. The Laboratory remarked:

An identification opinion is reached when the evidence exhibits an agreement of class characteristics and a sufficient agreement of individual marks.

Sufficient agreement is related to the significant duplication of random striated/impressed marks as evidenced by the correspondence of a pattern or combination of patterns of surface contours. The interpretation of identification is subjective in nature, and based on relevant scientific research and the reporting examiner's training and experience.

Investigators then ran the firearm and found that the firearm was purchased by Richard Allen in 2001. Richard Allen voluntarily came to the Indiana State Police post on October 26th, 2022. He spoke with investigators and stated that he never allowed anyone to use or borrow the Sig Sauer Model P226 firearm. When asked about the unspent bullet, he did not have an explanation of why the bullet was found between the bodies of Victim 1 and Victim 2. He again admitted that he was on the trail but denied knowing Victim 1 or Victim 2 and denied any involvement in their murders.

Carroll County Sheriff's Department Detective Tony Liggett has been part of the investigation since it started in 2017. He has had an opportunity to review and examine evidence gathered in this investigation. Detective Liggett, along with other investigators, believe the evidence gathered shows that Richard Allen is the male subject seen on the video from Victim 2's phone who forced the victims down the hill. Further, that the victims were forced down the hill by Richard Allen and lead to the location where they were murdered.

Through the statements and photographs of the juvenile females and the statement of Betsy Blair, R.V., B.W., and A.S. were at the southeast edge of the trail at 12:43 p.m., east of Freedom Bridge at 1:26 p.m., and walked across the former railroad overpass over Old State Road 25 after 1:26 p.m. and before 1:46 p.m. They walked the entirety of the trail and observed only one person – an adult male. Betsy Blair's vehicle is seen on Hoosier Harvestore video at 1:46 p.m. and leaving at 2:14 p.m. and she stated she only saw one adult male. R.V., B.W., A.S., and Betsy Blair described the male in similar manners, wearing similar clothing, leading investigators to believe all four saw the same male individual.

Investigators believe the male observed by Betsy Blair, R.V., B.W., and A.S. is the same male depicted in the video from Victim 2's phone due to the descriptions of the male by the four females matching the male in the video. Furthermore, Victim 2's video was taken at 2:13 p.m., and Betsy Blair saw only one male while she was on the trail from approximately 1:46 p.m. to 2:14 p.m.

Investigators believe Richard Allen was the male seen by Betsy Blair, R.V., B.W., and A.S. and the male seen in Victim 2's video. Richard Allen told investigators he was on the trail from 1:30 p.m. to 3:30 p.m. that day. Video from Hoosier Harvestore shows a vehicle that matches the description of Richard Allen's vehicle passing at 1:27 p.m. toward the former CPS building. The clothing he told investigators he was wearing match the clothing of the male in Victim 2's video and the clothing descriptions provided by Betsy Blair, R.V., B.W., and A.S. A vehicle matching the description of his 2016 Ford Focus is seen at or around 2:10 p.m., 2:14 p.m., and 2:28 p.m. at the former CPS building. Through his own admissions, Richard Allen walked the trails and eventually hiked to the Monon High Bridge and walked out onto the Monon High Bridge.

A male subject matching Richard Allen's description was not seen on the trail after 2:13 p.m. Investigators identified other individuals on the trails or C.R. 300 North between 2:30 p.m. and 4:11 p.m. None of those individuals saw a male subject matching the description of Richard Allen on the trail. Furthermore, Richard Allen stated that he only saw three girls on the trail, who investigators believe to be R.V., B.W., and A.S.

Investigators believe Richard Allen was not seen on the trail after 2:13 p.m. because he was in the woods with Victim 1 and Victim 2. An unspent .40 caliber round between the bodies of Victim 1 and Victim 2, was forensically determined to have been cycled through Richard Allen's Sig Sauer Model P226. The Sig Sauer Model P226 was found at Richard Allen's residence and he admitted to owning it. Investigators were able to determine that he had owned it since 2001. Richard Allen stated he had not been on that property where the unspent round was found, that he did not know the property owner, and that he had no explanation as to why a round cycled through his firearm would be at that location. Furthermore, he stated that he never allowed anyone to use or borrow the Sig Sauer Model P226. Investigators believe that after the victims were murdered, Richard Allen returned to his vehicle by walking down CR 300 North. Investigators believe he was seen by Sarah Carbaugh walking back to his vehicle on CR 300 north, with clothes that were muddy and bloody.

Tony Liggett, along with investigators, believe the statements made by the witnesses because the statements corroborate the timeline of the death the two victims, as well as coincide with the admissions made by Richard Allen. Further, the accounts relayed by Betsy Blair, R.V., B.W., and A.S. are similar in nature and time stamps on photographs taken by B.W. correspond to the times the juvenile females said they were on the trail and saw male individual.

Investigators believe Richard M. Allen committed this kidnapping which resulted in the killing of Victim 1 and Victim 2. From their prior conclusions investigators believe Richard M. Allen was the male depicted in Victim 2's video saying, "Guys, Down the hill." They believe Richard M. Allen was carrying his Sig Sauer Model P226 on that day due to the cycled round matching that firearm was located within feet of Victim 2's body. They further believe he was carrying the Sig Sauer Model P226 from the audio from Victim 2's video in which investigators believe they hear the sound of a gun being cycled and one of the victims mentioning a "gun." Investigators believe after that time Victim 1 and Victim 2 were removed from the bridge by Richard to where their murders occurred.

Charges were filed against Richard M. Allen on October 28th, 2022 for 2 counts of Murder. Once Richard M. Allen was taken into custody, he was moved to the Westville Correctional Facility, which is part of the Indiana Department of Corrections, for safe keeping. He has been in said facility since November, 2022. When Richard M. Allen entered the facility, he was placed in the segregation unit for his protection. In the segregation unit, his cell is equipped with a video recorder which records his activities within the cell. There are also logs indicating when Richard M. Allen leaves the cell and for what purposes. He is also being seen by medical providers and mental health specialists to evaluate his physical condition and monitor his mental health. Richard M. Allen also has the ability to use a tablet in his cell to send text messages, make phone calls and listen to music.

Upon Richard M. Allen's arrival to the facility, he was placed on "suicide watch" because of certain statements he made about harming himself. Throughout his stay, his mental health improved to the point that he was taken off of "suicide watch". He was also participating in recreation time and beginning to exercise. The facility reports that he was doing well and that they had no issues or concerns. His day to day demeanor was that he was quiet, read a lot of books, did crossword puzzles and exercised daily.

On April 3rd, 2023, Richard M. Allen made a phone call to his wife Kathy Allen. In that phone call, Richard M. Allen admits several times that he killed Abby and Libby.

Investigators had the phone call transcribed and the transcription confirms that Richard M. Allen admits that he committed the murders of Abigail Williams and Liberty German. He admits several times within the phone call that he committed the offenses as charged. His wife, Kathy Allen, ends the phone call abruptly.

Soon after, attorneys for Richard M. Allen filed an Emergency Motion to Modify Safekeeping Order. In that motion, the Defense states that Richard M. Allen's mental state has declined because Westville Correctional Facility is unfit and that he should be moved. Defense also makes allegations that his mental health has declined to the point where Richard M. Allen has been deprived of his constitutional right to assist in his defense of this case. Further, Defense alleges that his mental capacity has declined because of his incarceration at Westville Correctional Facility. Defense has also challenged that his treatment is unconstitutional. Soon after, investigators were made aware by the Warden of Westville Correctional Facility that Richard M. Allen began to act strangely.

Richard M. Allen was wetting down paperwork he had gotten from his attorneys and eating it, he was refusing to eat and refusing to sleep. He would go days on end refusing to sleep. He further, broke the tablet that he used for text messages and phone calls. He went from making up to 2 phone calls a day as of April 3rd, 2023 to not making any phone calls at all. To date, Richard M. Allen still has not made a phone call since April 3rd, 2023.

On April 14th, 2023, Richard M. Allen was evaluated by two psychiatrists and one psychologist to discuss his turn in behavior and whether or not there was a need for involuntary medication. The panel would also discuss moving Richard M. Allen to a different facility that has a psychiatric unit. From that meeting, it was determined that Richard M. Allen did not need involuntary medication and that he did not need to be moved to another facility. Since that meeting, Richard M. Allen has began to eat again and has begun to sleep. He behavior has began to return to what it was prior to making the admission on April 3rd, 2023.

Investigators believe the information that Westville Correctional Facility has gathered since Richard M. Allen was placed in that facility is important to the investigation. Investigators believe that there is video evidence that will include his admissions, plus his behavior prior to the admission and directly after. Investigators also believe logs kept of his daily routines are important to determine when he was in his cell and when he was removed and the reasons he was removed. Further, any records of physical exams and/or mental exams will be important to determine the state of his mental and physical health. This information is needed to refute the allegations made in Defense's Emergency Motion to Modify Safekeeping Order. The evidence is also necessary to refute the allegations of diminished mental capacity and/or other possible defenses. It may also be important as the State introduces additional evidence gathered, including admissions made by Richard M. Allen himself. Investigators believe all the information is important in the continued investigation for Murder of Abigail Williams and Liberty German.

For these reasons, the State is requesting the employment records for Richard Allen as specified in the attached Subpoena Duces Tecum and/or Request for Production of Documents and Records to a Non-Party: (H.I.)

This request is made for the purpose of an investigation regarding Murder. Further in response to the observations made by the investigating officer, the State believes that Richard Allen is a suspect in the criminal acts. The State believes that the employment records would be able to confirm or support information that the law enforcement has acquired as a result of the murder investigation.

The State of Indiana has contacted Defense counsel for Richard Allen and Defense counsel has not informed me whether they consent or object to this subpoenas. The State of Indiana has also sent them a courtesy copy of this subpoena, via email.

WHEREFORE, the State of Indiana, by Nicholas C. McLeland, Prosecuting Attorney for the 74th Judicial Circuit, respectfully prays that this Court review the attached Subpoena and then order production of said records, and such other relief as is just and proper in the premises.

Respectfully submitted,

Nicholas C. McLeland
Prosecuting Attorney
101 West Main Street
Delphi, IN 46923
765-564-4514

CERTIFICATE OF SERVICE

I hereby certify that service of a true and complete copy of the above and foregoing pleading or paper was made upon the following parties and filed with the Carroll Circuit Court by depositing the same in the United States mail in an envelope properly addressed and with sufficient postage affixed this 20TH day of April, 2023.

Westville Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391

Nicholas C. McLeland
Carroll County Prosecutor
28300-08

Filed: 6/19/2023 9:48 PM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
Plaintiff,	)
	)
v.	)
	)
RICHARD M. ALLEN,	)
	)
Defendant.	)

MOTION TO QUASH SUBPOENA OR ENTER PROTECTIVE ORDER

The Indiana Department of Correction, a non-party, by counsel, respectfully requests the Court to quash the subpoena commanding DOC to permit attorneys Bradley A. Rozzi, Andrew J. Baldwin, and their agent to enter Westville Correctional Facility for the purpose of inspecting, measuring, surveying, and photographing the facility. Quashing the subpoena is appropriate because permitting the broad access requested would introduce significant security risks at the facility, rendering the request unreasonable and oppressive under the circumstances.

If the Court should deny DOC's motion to quash the subpoena in its entirety, DOC would respectfully request a protective order strictly limiting the inspection to the specific cells and cellblock(s) where Mr. Allen has been housed and prohibiting access to the rest of Westville Correctional Facility.

BACKGROUND

1. Defendant Richard M. Allen is charged in this cause with Count 1: murder, a felony; Count 2: murder, a felony.

2. The probable cause affidavit does not allege any factual connection to Westville Correctional Facility.

3. Following a request by the Carroll County Sheriff, the Honorable Benjamin A. Diener ordered Mr. Allen transferred to a suitable facility within the Department of Correction.

4. Mr. Allen is currently housed at Westville Correctional Facility.

5. Westville Correctional Facility is situated on 411 acres of land—85 acres of which are enclosed by fence. The facility has a capacity of over 3,000 inmates and employs approximately 750 people. Westville Correctional Facility: Facts and Figures — 2020, Indiana Department of Correction, https://www.in.gov/idoc/files/WCC-Facts-and-Figures-Brochure.pdf.

Request to Inspect Westville Correctional Facility

6. On May 19, 2023, counsel for Mr. Allen issued to DOC a subpoena and request for production demanding to enter Westville Correctional Facility "for the purpose of inspecting, measuring, surveying, and photographing the individual cell block(s), and surrounding facility" where Mr. Allen has been housed since November 2022. A true and accurate copy of the subpoena and request for production are attached as Exhibit A.

7. DOC objects to Mr. Allen's request for inspection—in particular the request to inspect the "surrounding facility"—because permitting such an inspection would introduce unacceptable security risks at the facility and unduly burden DOC staff to accommodate such a request.

LEGAL STANDARD

8. A court may quash a subpoena that is unreasonable and oppressive. *See* Criminal Rule 2; Trial Rule 45(B)(1); *Newton v. Yates*, 170 Ind.App. 486, 353 N.E.2d 485, 500 (1976).

Scope of Discovery

9. A party may serve upon a non-party a request "to permit entry upon designated land or other property in the possession or control of" the non-party "for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon." T.R. 34(A) (applicable to non-parties through Trial Rule 34(C)(1)). But that request must fall within the scope of Trial Rule 26(B).

10. Trial Rule 26(B)(1) limits discovery to matters "relevant to the subject-matter involved in the pending action" including the claims and defenses of the parties and "the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter."

Unreasonable and Oppressive Request for Inspection

11. Here, the request that Mr. Allen's attorneys be permitted to inspect, survey, measure and photograph Westville Correctional Facility—not just the cellblocks, but the "surrounding facility"—is not "reasonably calculated to lead to the discovery of admissible evidence." T.R. 26(B)(1). In particular, such an inspection does not reasonably relate any cognizable claim or defense. The probable cause affidavit does not allege that there is any connection whatsoever between the

murder charges and Westville Correctional Facility. Such an inspection would shed no light on "the existence, description, nature, custody, condition and location of any books, documents, or other tangible things" related to the charges or, other than Mr. Allen himself, "the identity and location of persons having knowledge of any discoverable matter." T.R. 26(B)(1).

12. This request poses a strong security risk as it could compromise facility security should Defendant's counsel be permitted to inspect, survey, measure and photograph the cell blocks and the surrounding facility.

13. Because Mr. Allen's request for inspection is beyond the scope of appropriate discovery and imposes significant safety risks to the DOC, the subpoena should be quashed.

Alternative Relief: Protective Order

14. If the Court should deny DOC's motion to quash the subpoena, it should enter a protective order to strictly limit the inspection to the cells and cellblocks where Mr. Allen has been housed.

15. Trial Rule 26(B) permits the Court to limit discovery when "the burden or expense of the proposed discovery outweighs its likely benefit."

16. Trial Rule 26(C) permits the court to protect against oppression, undue burden and expense by requiring that discovery be conducted "on specified terms and conditions."

17. Here, the risk to DOC, its employees, and the offenders in its custody greatly outweighs any benefit to Mr. Allen of allowing an inspection of the

"surrounding facility" encompassing Mr. Allen's cellblock. Accordingly, a protective order would be warranted.

18. DOC would propose a protective order that establishes that any fruits of the inspection be limited to this case, and that any inspection be limited to Mr. Allen's cell and cellblock and related recreational area, bathing facility, therapy room, and public visitation area.

WHEREFORE, non-party Department of Correction respectfully requests the Court to quash the subpoena commanding it to permit the inspection demanded by Mr. Allen, or alternatively, for a protective order reasonably limiting the areas for inspection.

Respectfully submitted,

THEODORE E. ROKITA
Attorney General of Indiana
Attorney No. 18857-49

By: */s/Aaron M. Ridlen*
Aaron M. Ridlen
Deputy Attorney General
Attorney No. 31481-49

By: */s/Hannah M. Deters*
Hannah M. Deters
Deputy Attorney General
Attorney No. 36303-29

OFFICE OF INDIANA ATTORNEY GENERAL TODD ROKITA
Indiana Government Center South, 5th Floor
302 West Washington Street
Indianapolis, IN 46204-2770
Telephone: (317) 232-2826
E-mail: Aaron.Ridlen@atg.in.gov

CERTIFICATE OF SERVICE

I certify that on June 19, 2023, the foregoing document was served upon the following person(s) via IEFS, if Registered Users, or by depositing the foregoing document in the U.S. Mail, first class, postage prepaid, if exempt or non-registered user.

Bradley Anthony Rozzi
200 Fourth St.
Logansport, IN 46947
Attorney for Defendant

Nicholas C. McLeland
Carroll County Prosecutor
101 W. Main Street
Delphi, IN 46923

Andrew Joseph Baldwin
BALDWIN PERRY & KAMISH, P.C.
150 N Main Street
Franklin, IN 46131
Attorney for Defendant

/s/ Aaron M. Ridlen
Aaron M. Ridlen
Deputy Attorney General

OFFICE OF INDIANA ATTORNEY GENERAL TODD ROKITA
302 West Washington Street – IGCS – 5th Floor
Indianapolis, IN 46204-2770
Telephone: (317) 232-2826
Facsimile: (317) 232-7979
E-mail: Aaron.Ridlen@atg.in.gov

Filed: 11/21/2022 3:22 PM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)SS:	
COUNTY OF CARROLL	)	CAUSE NO.08C01-2210-MR-000001
	)	
STATE OF INDIANA	)	
	)	
v.	)	
	)	
RICHARD M ALLEN	)	

PETITION TO LET TO BAIL

Comes now the Accused, by counsel, and (pursuant to Article 1 Section 17 of the Constitution of the State of Indiana, Indiana Code § 35-33-8-2 and Fry v State, 990 N.E.2d 429 (Ind. 2013)) respectfully moves this Court to conduct a hearing and then release the Accused on his own recognizance, or in the alternative to set a reasonable bail. In support of his petition the Accused avers the following:

1. That the Accused, Richard Allen, was arrested and charged with murder, on or about October 28, 2022.
2. That the defense has received and reviewed the probable cause affidavit that, as of the time of the filing of this motion, has been sealed.
3. That because neither the proof of guilt is evident, nor the presumption of guilt strong, the Accused is seeking a hearing to release the Accused on his own recognizance or in the alternative to set a reasonable bail.

WHEREFORE, the Accused, by counsel, respectfully prays that the Court release the Accused on his own recognizance or in the alternative to set a reasonable bail.

Respectfully submitted,

/s/ *Andrew Baldwin*
Andrew Baldwin, Atty. No.17851-41
Counsel for Accused
BALDWIN PERRY & KAMISH, P.C.
150 N. Main St.
Franklin, Indiana 46131
317-736-0053

CERTIFICATE OF SERVICE

This is to certify a copy of the foregoing pleading has been provided to all counsel of record for the opposing party, via IEFS this same day of filing.

/s/ *Andrew Baldwin*
BALDWIN PERRY & KAMISH, P.C.

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

FILED
JUN 13 2023
Sharon E. Nielsen
CARROLL CIRCUIT COURT

STATE'S OBJECTION TO DEFENDANT'S MOTION FORORDER ON CONTINUING DISCLOSURE OF DEFENDANT'S MENTAL HEALTH RECORDS

Now comes the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, and respectfully objects to the Defendant's Motion for Order on Continuing Disclosure of Defendant's Mental Health Records and in support of said motion states the following:

1. That on June 7th, 2023, the Defendant filed a Motion for Order on Continuing Disclosure of Defendant's Mental Health Records asking this Court for an Order to the Indiana Department of Corrections, and the Carroll County Sheriff's Department to release Richard Allen's mental health records.
2. That the State filed a Motion for Leave of the Court to file a 3rd Party Subpoena for Richard Allen's mental health records on April 20th, 2023.
3. That the Defense filed a Motion to Quash the subpoena filed by the State, stating that the subpoena violated the Defendant's privacy rights and that the records requested are irrelevant as there are no pending matters pertaining to the Defendant's competency to stand trial, nor has the defense of insanity been raised.
4. That the State believes these records are relevant due to the allegations of lack of competency made in the Defendant's Emergency Motion to Modify Safekeeping Order;

Defendant's Motion to Reconsider and Request for Due Process Hearing; along with various letters and emails from the Defense stating that the Defendant's mental stability and competency are in question since his stay at the Indiana Department of Corrections.

5. That the Defense even calls into question the Defendant's competency in their Motion for Order on Continuing Disclosure of Defendant's Mental Health Records.
6. That the subpoenas filed by the State only requested the mental health records for the Defendant for the time that he has been incarcerated in the Department of Corrections.
7. In their various court communications, the Defense has implied that although Richard Allen was competent at the onset of this case, since he has been incarcerated, he has become incompetent.
8. That the Defendant has admitted that he committed the offenses that he is charged with no less than 5 times while talking to his wife and his mother on the public jail phones available at the Indiana Department of Corrections.
9. That the State believes that these admissions are going to be challenged by the Defense because of a lack of competency of the Defendant.
10. That the State is concerned about the ability to respond to the motions filed by the Defense without knowing if the Defendant is competent or not.
11. That the State would have no objection to this motion if the records are presented to the State as well.

WHEREFORE, the State objects to the Defendant's Motion for Order on Continuing Disclosure of Defendant's Mental Health Records and would ask the Court to deny the same. Respectfully submitted.

Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon his attorney of record, through personally delivery, ordinary mail with proper postage affixed or by service through the efiling system and filed with Carroll County Circuit Court, this __13th_ day of June, 2023.

Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

-

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

STATE'S OBJECTION TO DEFENDANT'S MOTION TO SUPPRESS

Now comes the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, and respectfully objects to the Defendant's Motion to Suppress and would ask the Court to deny the same and in support of said motion states the following:

1. That on May 19th, 2023, the Defendant filed a Motion to Suppress the evidence seized as a result of search warrant executed on the home of the Defendant on October 13th, 2022.
2. That the Defense alleges that the search warrant was unreasonable under the Indiana and Federal Constitution in that it lacked probable cause, that it failed to establish that the items to be seized were in the residence or could be expected to be in the residence; that the affidavit failed to provide particular information that particular items related to the particular crime would be found in the home; and that the affidavit failed to connect generic items to actual items that were possibly used in the crime.
3. That in September 2022, while reviewing the evidence in the investigation into the murders of Abigail Williams and Liberty German, investigators discovered an interview that was done with Richard Allen in 2017 by Indiana Conservation Officer Dan Dulin.
4. That in the 2017 interview, Richard Allen admitted being on the trail the day that Abigail Williams and Liberty German went missing.

5. That he stated that he was on the trail between 1:30 P.M. and 3:30 P.M. and that while he was on the trail he was using his phone.
6. That on October 13th, 2022, investigators invited Richard Allen and his wife, Kathy Allen, to speak to them and follow up on that interview done in 2017.
7. That both Richard Allen and Kathy Allen came to the interview on their own on October 13th, 2022, were not under arrest and were free to leave the interview at any time.
8. That investigators learned from those interviews that Richard Allen reaffirmed that he was in fact on the trails the day that Abigail Williams and Liberty German went missing and further admitted to being on the high bridge.
9. That he also told investigators that he was wearing blue jeans, and a blue or black Carhartt jacket with a hood and that he was wearing a head covering.
10. That, further, Richard stated that he did own guns and that the guns were in his home.
11. That investigators learned from Kathy that Richard Allen still had guns and knives in the home, along with a blue Carhartt jacket.
12. That Investigators believed a firearm was involved in the abduction and murder of Abigail Williams and Liberty German because an unspent .40 caliber round was found between the bodies of Abigail Williams and Liberty German.
13. That Investigators believed a knife was used in the murder of Abigail Williams and Liberty German.
14. That the clothes that Richard Allen described wearing the day he was on the trails match the description of the man seen on the bridge from the video taken by Liberty German's phone.

15. That it was also gathered that Richard Allen still possessed the firearms, knives and the clothing and said items were in his house.
16. That based on this information, investigators prepared a probable cause affidavit with a search warrant for the home of Richard Allen.
17. That the probable cause affidavit covers all the information that law enforcement had gathered in the investigation up until October 13th, 2022.
18. That Investigators applied for the search warrant on October 13th, 2022 and the same was granted that day by Carroll County Circuit Court Judge Benjamin Diener, herein attached as State's Exhibit "1".
19. Investigators went to the residence of the Defendant, located at 1967 North Whiteman Drive, Delphi, Indiana, knocked on the door and executed the search warrant around 5:00 P.M. on October 13th, 2022 and the search was complete around 7:09 P.M.
20. The Defendant and his wife were asked to be out of the residence while the search warrant was executed but were allowed back in the residence immediately afterwards.
21. Investigators found several items in the residence, including firearms and electronic devices, all of which is outlined in the Search Warrant Return attached herein as State's Exhibit "2".
22. That for a search warrant to be valid, it must be accompanied by an affidavit that establishes probable cause, which is a sufficient basis of fact that exists to permit a reasonably prudent person to believe that a search of the premises will uncover evidence of a crime. ***Esquerdo v. State***, 640 N.E.2d 1029.
23. That Indiana Code Indiana Code 35-33-5-2 specifies the minimum information necessary to establish probable cause, which is as follows:

a. Information particularly describing the house or place to be searched and the things to be searched for;

b. Information alleging substantially the offense in relation thereto and that the affiant believes and has good cause to believe that the things sought are concealed in that place that they are attempting to search; or the person to be arrested committed the offense described; and

c. Information setting forth the facts known to the affiant through personal knowledge or based on hearsay constituting probable cause.

24. That under the 4th Amendment of the United States Constitution, the evidence needed to obtain a search warrant need not rise to the statute of facts necessary to obtain a conviction, the circumstances alleged in the affidavit need only lead a person of reasonable caution to believe that a crime has been committed. ***Chambers v. State***, 540 N.E.2d 600 (Ind. 1989).

25. That when the sufficiency of the search warrant is challenged under the Fourth Amendment by the Defendant, as it is in the Defendant's motion, the role of the reviewing court is to simply ensure that there was a substantial basis for finding probable cause, reminding itself that it owes great deference to the initial probable cause determination; and will not invalidate a warrant by interpreting probable cause affidavits in a hypertechnical, rather than a commonsense manner. ***Watkins v. State***, 85 N.E.3d 597 (Ind. 2017).

26. That under Article 1, Section 11 of the Indiana Constitution, the reasonableness of the search is determined by using the Litchfield test which looks at the totality of the circumstances and requires consideration of both the degree of intrusion into the subjects

ordinary activities and the basis upon which the officer selected the subject of the search or seizure. ***Litchfield v. State***, 824 N.E.2d 356.

27. That the inquiry requires a balancing of the degree of concern, suspicion or knowledge that a violation has occurred; the degree of intrusion the method of the search or seizure imposes on the citizens ordinary activities and the extent of law enforcement needs. ***Litchfield v. State***, 824 N.E.2d 356.
28. That the State believes that the affidavit does meet the threshold to establish probable cause under the 4th Amendment of the United States Constitution in that there was a substantial basis for finding probable cause and there was a high likelihood based on the evidence that investigators had that there was evidence of the crime in the home of Richard Allen.
29. That the State believes that the affidavit accompanied with the search warrant for the home of Richard Allen does establish probable cause under Article 1, Section 11 of the Indiana Constitution and does pass the Litchfield test for reasonableness under the totality of the circumstances.
30. That the State believes that the affidavit establishes the items to be seized were in the residence by statements made by Richard Allen and his wife, Kathy Allen.
31. That the State believes that the affidavit provides particular information that particular items related to a particular crime will be found in the home based on the statements made by Richard Allen and his wife, Kathy Allen.
32. That the State believes that the affidavit connects generic items to actual items that were possibly used in the crime based on the investigators evidence that they gathered throughout the investigation.

33. That the evidence that was gathered in 2017 was reaffirmed by the interview done with Richard Allen and his wife, Kathy Allen on October 13th, 2022.

34. Investigators believed, at that time, that they had enough probable cause to apply for a search warrant. Investigators also believed that if they did not execute a search warrant on the residence immediately, that there was a danger that the Defendant would destroy crucial evidence in the investigation. The investigators believed through their training and experience believed that there was a real chance that the Defendant would destroy evidence once he knew he was a suspect in the crime.

WHEREFORE, the State has shown that the actions by the officers were valid and justified and did not violate the Defendant's 4th Amendment under the United States constitution or Article 1, Section 11 of the Indiana Constitution and therefore the Motion to Suppress should be denied. Respectfully submitted.

Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon his attorney of record, through personally delivery, ordinary mail with proper postage affixed or by service through the efiling system and filed with Carroll County Circuit Court, this __13th_ day of June, 2023.

Nicholas C. McLeland
Attorney #28300-08Prosecuting Attorney

-

STATE OF INDIANA)
)
COUNTY OF CARROLL)

CARROLL CIRCUIT COURT

) CAUSE NUMBER: 08C01-2210-MC-84
)

SEARCH WARRANT

To: Law Enforcement
RE: Search of the residence located at 1967 North Whiteman Drive, Delphi, Indiana in Carroll County

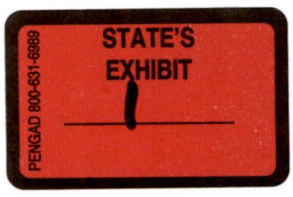
You are hereby authorized and ordered in the name of the State of Indiana with the necessary and proper assistance to enter into or upon the property, including the residence, outbuildings, including a wooden shed on the property, and a 2016 Black Ford Focus SE vehicle located at 1967 North Whiteman Drive, Delphi, Indiana in Carroll County, said property being the residence of Richard M. Allen. The residence located on the property is described as a ranch style house that is brick with a two-car garage, as further depicted in the attached photograph. The property also contains a wooden shed. There is also a 2016 Black Ford Focus SE located on the property. Law enforcement is ordered to diligently search for any and all information and/or evidence of the crime of Murder in violation of I.C. 35-42-1-1; specifically to search for handguns, .40 caliber ammunition, knives, blue sweatshirts/jackets, black sweatshirts/jackets, clothing, electronic devices and a cell phone with phone number 317-612-4533; any other cell phones; and any other electronic devices located in or on the locations described above. Law enforcement is authorized to search these areas to determine whether or not there has been a violation committed as described in the affidavit at the residence, in the yard, the vehicle and any appurtenances.

You are furthermore ordered to seize such property, or any part thereof, found on such search and that you bring the same, or any part thereof forthwith before me to be disposed of according to law. Please return this information within 10 days.

Dated this 13th day of October, 2022.

6:37 p.m.

Benjamin Diener, Judge
Carroll Circuit Court



STATE OF INDIANA)
)
COUNTY OF CARROLL)

CARROLL CIRCUIT COURT

)
) CAUSE NUMBER: 08C01-2210-MC- 84
)

AFFIDAVIT FOR SEARCH WARRANT

Carroll County Sheriff's Department Detective Tony Liggett, swears or affirms that he believes and has good cause to believe that evidence relating to the crime of Murder in violation of IC 35-42-1-1 is located at the residence of Richard M. Allen, DOB: 09/09/1972, located at 1967 North Whiteman Drive, Delphi, Indiana in Carroll County. Detective Liggett believes that evidence in the form of handguns, .40 caliber ammunition, knives, blue sweatshirt/jackets, black sweatshirts/jackets, clothing, electronic devices and a cell phone with phone number 317-612-4533 and any other cell phones used by Richard M. Allen will be located on the property. The affiant states as follows in support of said warrant:

That on Monday, February 13th, 2017 at approximately 1:50 p.m., Abigail Williams and Liberty German were dropped off by a family member at the Monon High Bridge trail off of County Road 300 North. On Tuesday, February 14th, 2017 at approximately 12:17 p.m. the girls were found deceased, their bodies were located in the woods Northeast of the Monon High Bridge. Autopsies of the girls ruled their deaths as homicides and their wounds were caused by a sharp object. Investigators located Liberty German's iPhone 6S under her body at the scene and were able to recover a video, approximately 43 seconds in length, captured at 2:13 p.m. on February 13th, 2017. The video depicts Abigail walking on the Monon High Bridge toward Liberty while a male subject wearing a dark jacket and jeans walks behind her. Near the end of the video the man is heard in the video telling the girls, "Down the hill." Through further investigation of the location of the bodies, investigators also located a .40 caliber unspent round. They also determined that articles of clothing from the girls were missing from the scene, including a pair of underwear and a sock.

Through the investigation there were interviews done with 3 of the 4 girls that were on the trials that day. The girls observed a male on the trails on February 13th, 2017 that matched the description the male in the video recorded by Liberty German. The 3 girls, identified as Railly Voorhies, Breanna Wilber, and Anna Spath, encountered this male near a bench east of the Freedom Bridge. The girls were on the trail and were walking towards the Freedom Bridge to go home. The male they encountered was walking from the Freedom Bridge towards the Monon High Bridge. One of the 3 girls, identified as Anna Spath, described the male as an older man walking on the trails as they were leaving and she described him as "kinda creepy".

In a text from Anna to Kyla Brummett, Anne described the man as wearing "like blue jeans a like really light blue jacket he his hair was gray maybe a little brown and he did not really

show his face". Investigator Steve Mullin and Brent Ingram interviewed Anna and she described the male as wearing a blue jacket and light blue (faded) blue jeans. The jacket was a canvass duck type jacket. Railly Voorhees, was also in the group of 4 girls and she said that she said "Hi" to the man but he just glared at them. She recalled him being in all black and had something covering his mouth. Railly recalled telling her sister that someone was in a grumpy mood. She went on to describe him as "not very tall" and bigger build. She said that he was not bigger than 5'10". Railly went on to say in an interview that he was wearing a black hoodie, black jeans, and black boots. She said that he had his hands in his pockets.

An interview was conducted in 2020 of Bre Wilber. She was able to show investigators a picture that she took on her phone of the Monon High Bridge with a time stamp of 12:43 PM EST. Bre showed investigators another picture she took at the bench just east of the Freedom Bridge when they when they were leaving at 1:26 PM EST. Bre stated after she took the picture at the bench, they started walking back towards the Freedom Bridge. Bre stated that's when they walked past the man who matched the description of the individual in the picture. Detective Liggett believes the picture that she is referring to is the picture law enforcement released of the man on the bridge taken from the video Liberty captured on her cell phone on the day of the murders. Bre described the man as wearing a blue or black windbreaker jacket. She stated the jacket had a collar and he had his hood up from the clothing underneath the jacket. Bre advised he was wearing baggy jeans and was taller than her. She stated her head came up to approximately his shoulder. Bre told us Railly said hi to the man and he said nothing back. Bre described the man as walking with a purpose like he knew where he was going. Bre also stated the man had his hands in his pockets and kept his head down. She didn't get a good look at his face but believed he was a white male.

As the girls left they crossed the Freedom Bridge and the railroad bridge over old SR25. An individual by the name of Betsy Blair, was returning to the trails to finish her walk. Betsy Blair is seen on video at Hoosier Harvestore on 300 North traveling east bound to the trailhead to park at 13:46:20 actual time. Blair saw the girls walking above as she went under the railroad bridge. On September 21, 2022, Detective Liggett was provided a tip narrative from ORION DIN-C000074-01 to review. It was from DNR Lieutenant Dan Dulin. The narrative was as follows:

> ***Mr. Allen was on the trail between 1330-1530. He parked at the old Farm Bureau building and walked to the new Freedom Bridge. While at the Freedom Bridge he saw three females. He noted one was taller and had brown or black hair. He did not remember description nor did he speak with them. He walked from the Freedom Bridge to the High Bridge. He did not see anybody, although stated he was watching a stock ticker on his phone as he walked. He stated there were vehicle parked at the High Bridge trail head, however did not pay attention to them. He did not take any photos or video. His cell phone did not list an IMEI but did have the following:***
>
> ***MEID-256 691 463 100 153 495***
>
> ***MEIDHEX-9900247025797***
>
> ***Potential follow up information: Who were the three girls walking in the area of Freedom Bridge?***

Through the statement of Mr. Allen, he admits that on February 13th, 2017, he parked his vehicle at the "old Farm Bureau building" from 1330-1530hrs and was on the trails at that

time. There is no "old Farm Bureau building" anywhere close to the trails or bridges. Detective Liggett believes he is referring to the old Child Protective Services building. In 2017, Richard Allen owned a 2016 black Ford Focus and a 2006 grey Ford 500. Upon review of video collected from the Hoosier Harvestore on February 13th, 2017, investigators were able to locate a vehicle that appears to match Allen's 2016 Ford Focus on the video at 1327hrs actual time. This coincides with Allen saying he was at the trails around 1330hrs.

Detective Liggett then examined the timeline for the day of the homicides. As previously said above, Railly Voorhies, Breanna Wilber, and Anna Spath were leaving the trails and passed by a male matching the description of the male in the video taken by Liberty. Given the statements by Allen and the timestamp of the video from the Hoosier Harvestore and the statements from the 3 of the 4 girls, Detective Liggett believes that the male the 3 of the girls saw was in fact Richard Allen.

Allen stated that after he passed the girls and then he walked to the Monon High Bridge and saw nobody else. Investigators believe that after passing the Hoosier Harvestore at 1346hrs Blair parked at the trailhead entrance across from the Mears residence. In her interview she says there are no other cars at the trailhead entrance at that time. She walked to the Monon High Bridge and a male matching the male from Liberty's video. She described him as a white male wearing blue jeans and a blue jean jacket. This matches the "blue duck canvass" jacket Anna Spath describes. Blair said that the male was standing on the first platform of the Monon High Bridge approximately 50ft away from her. Blair turned around at the bridge and continued her walk. Approximately halfway between the bridge and the main hub of trails she passed two girls walking towards the High Bridge. Blair said that she believed it was Liberty German and Abigail Williams. At 1349hrs, on the Hoosier Harvestore video there is a white car that matches Kelsie German's vehicle. Liberty and Abigail would have been dropped off right before this video. Blair finished her walk and is seen on the Hoosier Harvestore video leaving westbound at 1414hrs. Blair said that she saw no adults other than the male on the bridge.

As Blair was leaving she noted a vehicle was parked in an odd manner at the old Child Protection Service building. She said that it was not odd for vehicles to be parked there, but it was odd that it was backed in near the building. She said that vehicles often use the south edge of the parking lot so they are closer to the trail to get to the Freedom Bridge. Detective Liggett reviewed a tip (DIN-C001751) from Terry Wilson. Wilson was on his way to Delphi on February 13th, 2017 on the Hoosier Heartland Highway at approximately 1410hrs. He observed what he described as purple PT Cruiser or a small SUV type vehicle parked on the south side of the old CPS building. Wilson said that it was backed in as to conceal the license plate of the vehicle. During their interviews both Blair and Wilson drew a diagram and had the vehicle they saw parked in the same general area and manner.

An interview was done of Sarah Carbaugh in 2017. She states that she was traveling East on 300 North and observed a male subject walking west, on the North side of 300 North, away Monon High Bridge. She stated that he was wearing blue colored jacket and blue jeans and was muddy and bloody. She further stated, that it appeared he had gotten into a fight. Investigators determined from the video that she was on 300 North at 1557hrs.

Richard M. Allen was interviewed by investigators on October 13th, 2022 at investigation center. He was interviewed by Detective Liggett and Carroll County Prosecutor Investigator Steven Mullin. He agreed to come to the center and speak with investigators. He was advised his rights and he was further advised that he was not under arrest and was free to

leave at any time. Investigator Mullin explained to him how to leave the center if he so desired. He stated that he was in fact on the trails on February 13th, 2017. He further stated that he saw 3 girls on the trails East of the Freedom Bridge and also that he went on to the Monon High Bridge. He also told investigators that he was wearing blue jeans and a blue or black Carhartt jacket with a hood on that day. He stated he also wore some type of head covering. He further claimed that he saw no one else but the 3 girls that he observed East of the Freedom Bridge. Further, prior to the interview, he told investigators that he also had guns at this home.

Richard M. Allen's wife, Kathy Allen, spoke to investigators as well. She confirmed that Richard did have guns and knives at the residence. She also stated that Richard still has a blue Carhartt jacket.

The evidence gathered shows that on February 13th, 2017 that 4 girls, Railly Voorhies, Breanna Wilber, Anna Spath, and Isabel Voorhies, were on the trail when they observed a male individual walking on the trails towards the Monon High Bridge. The male was wearing clothes similar to the clothes of the male depicted in the video taken from Liberty German's phone. Investigators know that this male is the last known individual to have contact with Liberty German and Abigail Williams before they were murdered. Further, Betsy Blair, was shown a picture of the individual on the Monon High Bridge and she says that is the same individual that she witnessed on the trails and on the bridge. In an interview with Richard M. Allen, done on October 13th, 2022, he admits that he was in fact on the trails on February 13th, 2017 and walked past the 3 girls and continued on to the Monon High Bridge. He stated that he was physically on the bridge. After Betsy Blair sees this individual there are several other individuals on the trail that don't observe the man or Liberty German or Abigail Williams. Sarah Carbaugh, then observes a man walking down 300 North, with a blue jacket and jeans and that he is muddy and bloody, as if he had just been in a fight. She is shown a picture of the man on the bridge and she that is the same man she observed walking on 300 North.

Investigators believe that Richard M. Allen is the last individual to have contact with Liberty German and Abigail Williams. Investigators further believe that Richard M. Allen is the individual depicted on the Monon High Bridge from the video taken from Liberty Germans' phone.

Detective Liggett has been a member of law enforcement for 21 years. In his role as a Deputy and as Detective, he has investigated numerous crimes, including murders. He has also been trained in how to investigate offenses, such as Murder. He has also participated in training specifically geared towards murder investigations. In many of those cases, evidence of the crime is on the individuals cell phone. That evidence includes location evidence in relation to the offense, pictures or videos taken during or after the offense, and evidence in furtherance of the crime or in an effort to hide their participation in the crime. Detective Liggett has had an opportunity to review the evidence collected in this investigation. Detective Liggett knows from his training and experience that when individuals commit offenses, evidence of those offenses in the form or pictures or location data is captured on that individuals cell phone. Detective Liggett also knows that individuals tend to

download their phones to other electronic devices, or use their cell phones in conjunction with other electronic devices, including Ipads and computers. Detective Liggett believes the information gathered from witnesses, video evidence and admissions by Richard M. Allen is reliable. Richard M. Allen places himself at the trails and specifically on the Monon High Bridge. He further admits that he is wearing jeans and a dark Carhartt jacket. These clothes match the clothes by the individual on the bridge in the photo taken from the video from Liberty German's phone. Detective Liggett was also able to corroborate the information that Richard M. Allen was at the trails near the time that Liberty German and Abigail Williams. The picture of the individual on the bridge was captured by investigators from the video taken on Liberty German's phone, just prior to her and Abigail Williams being abducted. The individual in that picture matches the description of Richard M. Allen. Detective Liggett believes that Richard M. Allen is the individual on the bridge. From Richard M. Allen's statements, investigators believe that Richard M. Allen was also on his phone when he was on the trail prior to meeting the girls.

I believe that a search of the residence located at 1967 North Whiteman Drive, Delphi, Indiana, located in Carroll County, as well as the outbuilding, the vehicles and the property will lead myself and other investigators to evidence of Murder. I have probable cause to believe that there will be evidence located on the property of this offense. Due to the aforementioned reasons, a search warrant is being requested to enter the property of Richard M. Allen, DOB: 09/09/1972 located at 1967 North Whiteman Drive, Delphi, Indiana located in Carroll County, ordering law enforcement to seize any evidence that is related Murder.

I affirm, under penalty of perjury as specified in I.C. 35-44.1-2-1, that the foregoing representations are true.

Respectfully submitted this 13 day of October, 2022.

Detective Tony Liggett
Carroll County Sheriff's Department

Approved By: _____
Nicholas C. McLeland

Carroll County Prosecutor

FILED
MAY 01 2023
Sharon E Mieburn
CLERK CARROLL CIRCUIT COURT

STATE OF INDIANA)
)
COUNTY OF CARROLL)

CARROLL CIRCUIT COURT

)
) CAUSE NUMBER: 08C01-2210-MC-84
)

RETURN

I, the undersigned, executed this WARRANT on the 13th day of October, 2022, at 1909 (1:09p) o'clock P. M.

The following items were seized, to-wit:

See Attached Property Receipt

Detective Tony Liggett
Carroll County Sheriff's Department

STATE'S EXHIBIT 2

PENGAD 800-631-6989

INDIANA STATE POLICE
PROPERTY RECORD AND RECEIPT

State Form 23964 (R2/9-01) v2022

Lab Case # 19K-00197

ISP Case # 17ISPC001748

This form will expire 07/01/2023. For an updated version, go to www.in.gov/isp/labs

ISP Case #	17ISPC001748	Lab Use Only	Lab Case # 19K-00197		
Related Case Numbers		Type of Investigation	Death		
Investigating Officer	Detective M. Jay Harper	PE 4562	Submitting Officer	SGT Matt Clemans	PE 9202
Date	10/13/2022	Time 19:00	From	(•) Person ( ) Place	
Individual 1	Richard Allen	Suspect			
County	Carroll	Location	1967 Whiteman Dr. Delphi, Indiana		
Witness to recovery		ISP District/Section	14-Lafayette		

Lab Use Only Lab Item No.	Item No.	Description of Item(s) Submitted	Lab Exam
314	MC8	Sealed cardboard box containing one black Sig Sauer P226 .40 Caliber handgun. Serial Number U625627.	☒
315	MC9	Sealed plastic bag containing one .40 caliber S&W cartridge found in wooden keepsake box on dresser between both closets in master bedroom.	☒
316	MC10	Sealed plastic bag containing one .40 caliber S&W cartridge found inside Sig Sauer P226 handgun.	☐
317	MC11	Sealed plastic bag containing two magazines, one filled with nine .40 caliber cartridges and one with eight .40 caliber cartridges.	☐
318	MC12	Sealed paper bag containing one black Sig Sauer handgun case containing one trigger lock with two keys.	☐
319	MC13	Sealed paper bag containing a paper wrapped wooden weave box containing two "Audiovox" device, one silver Motorola flip phone MSN:B653DXP771, one silver Motorola flip phone MSN:B653DXP921, 4 car chargers, three wall outlet chargers.	☐
320	MC14	Sealed plastic bag containing one Lexar compact flash 1 GB memory card.	☐

--- Lafayette District ---
Lab #: 19K-00197 ACN: 17-00091
Carroll County Sheriff

Chain of Custody on Page 2

INDIANA STATE POLICE
PROPERTY RECORD AND RECEIPT

State Form 23964 (R2/9-01) v2022

This form will expire 07/01/2023. For an updated version, go to www.in.gov/isp/labs

Lab Case #

ISP Case # 17ISPC001748

ISP Case #	17ISPC001748	Lab Use Only	Lab Case #		
Related Case Numbers		Type of Investigation	Death Investigation		
Investigating Officer	Jay Harper	PE		Submitting Officer	Trooper Vido	PE	8923
Date	10/13/2022	Time	21:47	From	(•) Person ( ) Place		
Individual 1	Richard Allen	Suspect					
County	Carroll	Location	1967 Whiteman Dr. Delphi				
Witness to recovery	Trooper Vido	ISP District/Section	14-Lafayette				

Lab Use Only Lab Item No.	Item No.	Description of Item(s) Submitted	Lab Exam
	DRV104	Sealed paper bag containing one pair of dirty Thorogood boots size 7.5 mens.	☐
	DRV105	Sealed paper bag containing one pair of dirty black boots, size 6.5 regular	☐
	DRV106	Sealed envelope containing one silver double edged knife in a silver metal sheath.	☐
	DRV107	Sealed envelope containing one brown gold and silver folding knife.	☐
	DRV108	Sealed envelope containing black sheath containing one brown gold and silver folding knife.	☐
	DRV109	Sealed envelope containing one black sheath containing one black handled silver bladed imperial knife.	☐
	DRV110	Sealed envelope one black sheath containing one fold-able knife with a red/ gold handle.	☐
	DRV111	Sealed envelope one sheath containing two Ozark Trail knives.	☐
	DRV112	Sealed envelope one black sheath containing one knife with a wood/ ivory handle and gold guard.	☐
	DRV113	Sealed envelope containing one rusted "Old Timer" folding knife, one "Sharp" 2 bladed folding knife, one black folding "Gerber" knife, and one black folding knife.	☐
	DRV114	Sealed envelope containing on red handled "Crosley" multi-tool, one blue multi-tool, one green and gold Indiana National Guard multi-tool, and one black multi-tool.	☐
	DRV115	Sealed envelope containing one black sheath containing a brown handled, silver bladed "Sabre" bowie knife.	☐
	DRV116	Sealed paper bag containing one blue jacket with red stripes- ADIDAS.	☐
	DRV117	Sealed paper bag containing one blue 1/4 zip sweatshirt.	☐
	DRV118	Sealed paper bag containing one black and green "FOX" hooded sweatshirt.	☐
	DRV119	Sealed paper bag containing one black and gray "North End" coat.	☐
	DRV120	Sealed paper bag containing one blue "Carhartt" coat	☐
	DRV121	Sealed paper bag containing one pair timberland boots. Size 8.	☐
	DRV122	Sealed paper bag containing one pair of blue "Arizona" jeans size 34x29	☐

Chain of Custody on Page 4

Lab Use Only Lab Item No.	Item No.	Description of Item(s) Submitted	Lab Exam
	DRV123	Sealed paper bag containing one pair of blue "Arizona" jeans size 34x29.	☐
	DRV124	Sealed paper bag containing one pair of blue "Arizona" jeans size 34x29	☐
	DRV125	Sealed paper bag containing one pair of blue Levi Strauss jeans size 34x29	☐
	DRV126	Sealed paper bag containing one pair of blue Levi Strauss jeans size 34x29	☐
	DRV127	Sealed paper bag containing one winter gray hat with fur like fibers.	☐
	DRV128	Sealed paper bag containing one black and red "UFC" hooded sweatshirt with a full zip.	☐
	DRV129	Sealed paper bag containing one 1/4 zip "George" sweatshirt.	☐
	DRV130	Sealed paper bag containing one black/blue 1/4 zip "Walmart" sweatshirt.	☐
	DRV131	Sealed paper bag containing one blue "George" sweatshirt, 1/4 Zip.	☐
	DRV132	Sealed paper bag containing one blue "Kenneth Cole" sweatshirt.	☐
	DRV133	Sealed paper bag containing one blue "Fruit of the Loom" sweatshirt.	☐
	DRV134	Sealed 'paper bag containing one blue "Starter" sweatshirt.	☐
	DRV135	Sealed paper bag containing one black "Spider" hooded sweatshirt.	☐
	DRV136	Sealed paper bag containing one blue sweatshirt with an old label.	☐
	DRV137	Sealed paper bag containing one blue Adidas sweatshirt.	☐
	DRV138	Sealed paper bag containing one brown fitted cap with a small bill.	☐
	DRV139	Sealed paper bag containing one black WRI stocking cap, one black "NASCAR" Ford Racing stocking cap, one black "ADIDAS" stocking cap, one red/white, and gray/brown Canada stocking cap.	☐
	DRV140	Sealed paper bag containing one gray and black "ADIDAS" skull cap	☐
	DRV141	Sealed paper bag containing one gray and white NFL Colts skull cap	☐
	DRV142	Sealed paper bag containing one brown Carhartt stocking cap.	☐
	DRV143	Sealed paper bag containing ten pairs of gloves and 1 extra glove.	☐
	DRV144	Sealed paper bag containing one blue fabric strap, and one blue/green fabric strap/	☐
	DRV145	Sealed cardboard box containing one HP laptop Serial: CN30511779	☐
	DRV146	Sealed cardboard box containing one HP Pavilion Laptop Serial: CNF7496KTS	☐
	DRV147	Sealed paper bag containing one plastic bag containing multiple headbands.	☐
	DRV148	Sealed paper bag containing one cardboard phone box containing misc cellular information	☐
	DRV149	Sealed paper bag containing one Winchester Supreme Elite empty ammo box.	☐
	DRV150	Sealed envelope containing one smaller envelope containing one cruzer micro 2GB flash drive with Rick on the back.	☐
	DRV151	Sealed envelope containing a 1TB western digital hardrive.	☐

Chain of Custody on Page 4

Lab Use Only Lab Item No.	Item No.	Description of Item(s) Submitted	Lab Exam
	DRV152	Sealed envelope containing one Samsung phone in a floral case.	☐
	DRV153	Sealed envelope containing miniature katana with a red tassel.	☐
	DRV154	Sealed envelope containing one black sheath and one Rapala filet knife from garage.	☐
	DRV155	Sealed envelope containing one black sheath and one "The Best Defense" knife from garage.	☐
	DRV156	Sealed envelope containing one black external hard drive and cord. Serial WX20A99F4518.	☐
	DRV157	Sealed envelope containing one smaller envelope containing one black IPod serial 716016DTJT.	☐
	DRV158	Sealed envelope containing one smaller envelope containing one 32MB SD card and one 256MB SD card.	☐
	DRV159	Sealed cardboard box containing one black sheath with an animal imprinted on the front and one large wooden handled knife with a rusted blade from garage.	☐
	DRV160	Sealed paper bag containing five miscellaneous vehicle chargers.	☐
	DRV161	Sealed paper bag containing nine miscellaneous wall outlet chargers.	☐
	DRV162	Sealed paper bag containing miscellaneous phone accessories.	☐
	DRV163	Sealed paper bag containing one HP laptop charger.	☐
	DRV164	Sealed paper bag containing two pagers, one black and one blue.	☐
	DRV165	Sealed paper bag containing three Motorola and one LG flip phones.	☐
	DRV166	Sealed envelope containing one LG Verizon smart phone.	☐
	DRV167	Sealed paper bag containing one cardboard box containing one LG Verizon side slide smart phone.	☐
	DRV168	Sealed envelope containing one Motorola Verizon smart phone.	☐
	DRV169	Sealed envelope containing three older cell phones. one Audiovox, one Nokia, and one Motorola.	☐
	DRV170	Sealed paper bag containing one cardboard box containing one Nokia 7705 Twist cell phone and documents.	☐
	DRV171	Sealed cardboard Garmin box containing one Garmin StreetPilot c340 device, two cords, and documentation.	☐
	DRV172	Sealed cardboard box containing a plastic bag containing a custom vehicle operations motorcycle cover bag containing a motorcycle cover.	☐
	DRV173	Sealed manila envelope containing a black Pixel 3a XL cell phone MEID 35964309505164 with a black Otterbox case	☐
	DRV174	Sealed manila envelope containing a black Samsung Galaxy A42 5G Serial Number: R5CR50NF4EA with a brown case	☐
	DRV175	Sealed paper bag containing a sealed paper bag sealed by Steve Mullin containing one Aquafina water bottle	☐
	DRV176	Sealed manila envelope containing a silver, LG, Cingular wireless flip phone	☐

Chain of Custody on Page 4

INDIANA STATE POLICE
PROPERTY RECORD AND RECEIPT

State Form 23964 (R2/9-01) v2022

Lab Case # 19K-00197

ISP Case # 17ISPC001748

This form will expire 07/01/2023. For an updated version, go to www.in.gov/isp/labs

ISP Case #	17ISPC001748	Lab Use Only	Lab Case #	19K-00197			
Related Case Numbers			Type of Investigation	Death			
Investigating Officer	Detective M. Jay Harper	PE	4562	Submitting Officer	SGT Matt Clemans	PE	9202
Date	10/14/2022	Time	13:54	From	(•) Person ( ) Place		
Individual 1	Richard Allen	Suspect					
County	Tippecanoe	Location	5921 IN 43 N, West Lafayette/ Indiana State Police District 14 Post				
Witness to recovery		ISP District/Section	14-Lafayette				

Lab Use Only Lab Item No.	Item No.	Description of Item(s) Submitted	Lab Exam
[redacted]	MC15	Sealed envelope containing a cutting of a carpeted area underneath the spare tire of the Ford Focus.	[X]
[redacted]	MC16	Sealed envelope containing two plastic wrappers containing one swab from a driver lap belt and one swab of the driver shoulder belt of the Ford Focus.	[ ]
[redacted]	MC17	Sealed envelope containing two plastic wrappers containing two swabs from the passenger side carpeted floor boards.	[ ]

--- Lafayette District ---
Lab #: 19K-00197 ACN: 17-00091
Carroll County Sheriff

Chain of Custody on Page 2

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)SS:	
COUNTY OF CARROLL	)	CASE NUMBER: 08C01-2210-MR-0000 1
STATE OF INDIANA	)	
	)	
V.	)	
	)	
RICHARD M. ALLEN	)	

ENTERED
October 28, 2022
CARROLL CIRCUIT COURT
KA

COURT ORDER SEALING REQUEST AND COURT RECORDS PENDING PUBLIC HEARING

On October 28, 2022, State of Indiana (the "State"), by Prosecuting Attorney, Nicholas C. McLeland, filed a Verified Request to Prohibit Public Access to a Court Record.

The Court, being duly advised, now FINDS as follows.

1) Ind. Code § 35-34-1-1 allows for the sealing of an information.
2) Indiana Rules of Court, Rules on Access to Court Records, Rule 6(A) provides for both the request and the record(s) themselves (if any) to be deemed confidential until a hearing on the request may be conducted.

Therefore, the Court, being duly advised, GRANTS the State of Indiana's Petition. Pending public hearing, which shall be held no earlier than twenty (20) days of the posting of notice of the hearing, by the State, in compliance with the Access to Public Records Act.

The State shall provide notice of the public hearing in compliance with Rule 6 of the Rules on Access to Court Records: Said hearing shall be conducted in the Carroll Circuit Court Room at the following date and time: November 22, 2022 at 9:00 am

The request and all court records are ordered sealed, and are deemed confidential under Indiana Rules of Court, Rules on Access to Court Records, Rule 6, pending public hearing, as scheduled above.

So ORDERED this 28th day of October, 2022.

Benjamin A. Diener, Judge
Carroll Circuit Court

pc:
State: Atty. Nicholas C. McLeland
Defendant: C/O Sheriff of Carroll County

CARROLL CIRCUIT COURT

Date: October 27, 2022

STATE OF INDIANA
VS
RICHARD M. ALLEN
1967 Whiteman Drive,
Delphi, IN 46923
DOB: 9/9/1972
SSN: XXX-XX-3934

CAUSE NUMBER 08C01-2210-MR- 1

The Court will please enter the following minutes:

State of Indiana by Nicholas C. McLeland, Prosecuting Attorney, files probable cause affidavit executed by Tony Liggett and information for: Count 1: Murder, a Felony; and Count 2: Murder, a Felony.

The Defendant being in custody, the court determines that probable cause does exist. The Court sets bond in this matter at twenty million ($20,000,000.00) dollars cash or corporate surety.

Initial hearing is set at 10:30 A.M. on: October 28, 2022.

Entry Approved: 10/28/2022
Benjamin A. Diener, Judge
Carroll Circuit Court

/s/Nicholas C. McLeland
Nicholas C. McLeland
Prosecuting Attorney
Attorney # 28300-08

ENTERED
OCT 28 2022
CARROLL CIRCUIT COURT

STATE OF INDIANA
CARROLL CIRCUIT COURT

STATE OF INDIANA

V. CAUSE NO. 08C01-2210-MR-1

RICHARD M. ALLEN
DOB: 09/09/1972
SSN: XXX-XX-3934

PRE-OMNIBUS ORDER

This cause is set for trial by jury on **March 20, 2023, at 9:00 a.m.** as a first setting. The omnibus date is **January 13, 2023.** Pre-trial conference is set for **January 13, 2023, at 9:00 a.m.** at which time the defendant and counsel for the parties are ORDERED and DIRECTED to appear.

1. **DISCOVERY**. Discovery shall be completed as provided by Local Criminal Rule LR08-CR00-18 on or before the fifteenth day prior to the trial date.

2. **PRE-OMNIBUS MEETING OF ATTORNEYS**. Trial counsel for the defense and State shall meet prior to the omnibus hearing; in the absence of agreement as to the time and place of meeting, they shall meet at a place designated by the State and shall undertake and consider the following:

A. They shall complete the Omnibus Report which shall then be filed with the Court prior to the omnibus hearing.
B. They shall exchange lists of the names and addresses of witnesses and exhibits.
C. They shall discuss simplifications of the issues, motions then pending or which may be filed before the commencement of trial, stipulations, theories of prosecution and defense, and plea negotiations, if any.

3. **OMNIBUS HEARING**. All cases scheduled for trial on the date set in this order will be scheduled for Omnibus Hearing at the same time. The Court will first determine if the parties contemplate the entry of a plea of guilty by the defendant, either with or without a plea agreement. If there is to be a plea of guilty, the plea will be entered following any other scheduled Omnibus Hearings. **The court will not accept a plea agreement after the Omnibus Hearing without a showing of good cause why the plea agreement could not have been reached at or prior to the Omnibus Hearing.**

If no plea of guilty is entered, the Court will determine whether any cases with an earlier filing date or cases which the Court has assigned a higher priority remain scheduled for the same trial date. If there are none, then the trial date will stand, otherwise a new trial date will be set.

ENTERED
OCT 28 2022
CARROLL CIRCUIT COURT

4. **WITNESSES AND EXHIBIT**. Lists of witnesses and exhibits in writing shall be prepared, exchanged, and filed with the Court at the omnibus hearing.

5. **JURY INSTRUCTIONS**. Preliminary and final instructions shall be tendered to the Court and exchanged by the parties no later than three court days prior to the trial. The Court will permit the tender of additional instructions during the trial on matters which could not reasonably have been anticipated in advance of trial. Counsel shall not refer to or read any proposed instructions to the jury in voir dire examination, opening statement, or otherwise, unless such instruction has been previously submitted to and approved by the Court.

ENTERED this 28th day of October 2022.

Benjamin A. Diener, Judge
Carroll Circuit Court

pc: State: Attorney Nicholas C. McLeland
Defendant: Richard M. Allen c/o Sheriff of Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)SS:	
COUNTY OF CARROLL	)	TO THE 2022 TERM
STATE OF INDIANA	)	
	)	
V.	)	CASE NUMBER: 08C01-2210-MR-1
	)	
RICHARD M. ALLEN	)	

ENTERED
November 2, 2022
CARROLL CIRCUIT COURT
KA

ORDER ACKNOWLEDING PUBLIC HEARING

A public hearing will be conducted pursuant to Ind. Code § 5-14-3-5.5 and Indiana Rules of Court, Rules on Access to Court Records, Rule 6, November 22, 2022 at 9:00 a.m. in the Carroll Circuit Court.

Parties or members of the general public will be permitted to testify and submit written briefs, subject to reasonable time constraints imposed by the Court.

A decision to seal all or part of a public record must be based on findings of fact and conclusions of law, showing that the remedial benefits to be gained by effectuating the public policy of the state declared in section 1 of this chapter are outweighed by proof by a preponderance of the evidence by the person seeking the sealing of the record that:

1) A public interest will be secured by sealing the record;
2) Dissemination of the information contained in the record will create a serious and imminent danger to that public interest;
3) Any prejudicial effect created by dissemination of the information cannot be avoided by any reasonable method other than sealing the record;
4) There is a substantial probability that sealing the record will be effective in protecting the public interest against the perceived danger; and
5) It is reasonably necessary for the record to remain sealed for a period of time.

Sealed records shall be unsealed at the earliest possible time after the circumstances necessitating the sealing of the records no longer exist.

SO ORDERED this 2nd day of November, 2022.

Benjamin A. Diener, Judge
Carroll Circuit Court

PC:
State: Atty. Nicholas C. McLeland
Defendant: c/o Carroll County Sheriff

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)SS:	
COUNTY OF CARROLL	)	TO THE 2022 TERM
STATE OF INDIANA	)	
	)	
V.	)	CASE NUMBER: 08C01-2210-MR-1
	)	
RICHARD M. ALLEN	)	

COURT ORDER

On November 2, 2022, Tobe H. Leazenby, Sheriff of Carroll County, filed a Request by the Sheriff of Carroll County to Transfer inmate from Carroll County Jail to the Custody of the Indiana Department of Corrections for Safekeeping.

The Court, being duly advised, FINDS that Defendant is an inmate awaiting trial and is in imminent danger of serious bodily injury or death, or represents a substantial threat to the safety of others. This FINDING is not predicated on any acts or alleged acts of the Defendant, since arrest, rather a toxic and harmful insistence on "public information" about Defendant and this case.

In general, this Court has thirty (30) days to rule on any Motion that is filed by a Party in any case. *See* Ind. Trial Rule 53.1(A).

Yet, concurrent to the actual case naturally occurring, this judicial officer keeps getting direct requests from non-parties for "public information," claiming that this officer has seven (7) days or one (1) day, when hand delivered, to respond to the request or face litigation!

While this officer is responsible for the entirety of the Circuit Court docket it attempts to ignore the maelstrom of "interest" from the public, it is known that YouTube already hosts content regarding family members of this judicial officer, including photos.

The public's blood lust for information, before it exists, is extremely dangerous. ALL PUBLIC SERVANTS administering this action do not feel safe and are not protected.

The Carroll County Sheriff has limited resources to conduct its base operations, let alone any duties mandated by our Supreme Court.

All Defendants in all actions are presumed innocent. All public information will be available the second it exists. None of the family members of public servants are part of this action. All of the public servants are simply people doing their jobs. Most of the public servants are woefully underpaid. Most of the "public interest" consists of people attempting to raise their status or profit financially.

When the public peddles misinformation with reckless abandon, we all are not safe.

As far as the public's desire to learn about access to court records, that educational effort cannot be by this officer educating each individual, ad-hoc, whenever they choose to seek "public information." These inquiries are inherently disruptive to the operations of the Court as they are wholly outside the operations of the Court.

As a branch of the Supreme Court, any requests for public information about this action should be directed to whomever is the public information coordinator for the Courts in general. If there is not such a position, our state may need one.

Defendant indicated at the initial hearing an intention to hire private counsel.

Defendant is reminded that he must retain counsel within 20 days of the initial hearing because there are deadlines for filing motions and raising defenses and, if those deadlines are missed, the legal issues and defenses that could have been raised will be waived or given up.

If Defendant is unable to retain counsel of his choosing due to financial indigency, Defendant is reminded that he is entitled to court-appointed counsel and Defendant will be examined upon request.

The Court notes, for the public, that when Defendant appeared for the initial hearing, he was clad in protective gear. That protection was not to protect Defendant from the Court. That protection was to protect Defendant from the public.

Until a finding of guilt or a judgment of conviction occurs, in any case, judgment must be reserved and the presumption of innocence must be respected and preserved.

Accordingly, pursuant to Ind. Code § 35-33-11-1, the Court ORDERS the Sheriff of Carroll County to transfer Defendant to a facility of the department of correction designated by the commissioner of the department as suitable for the confinement of Defendant and provided that space is available.

So ORDERED this 3rd day of November, 2022.

Benjamin A. Diener, Judge
Carroll Circuit Court

CARROLL CIRCUIT COURT
INDIANA

KA

pc: Prosecuting Attorney
Defendant C/O Sheriff of Carroll County
Sheriff of Carroll County
Indiana Department of Correction

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)SS:	
COUNTY OF CARROLL	)	TO THE 2022 TERM
STATE OF INDIANA	)	
	)	
V.	)	CASE NUMBER: 08C01-2210-MR-1
	)	
RICHARD M. ALLEN	)	

ORDER OF RECUSAL AND CERTIFICATION TO THE INDIANA SUPREME COURT

FOR SELECTION OF A SPECIAL JUDGE OUTSIDE OF CARROLL COUNTY

The Judge of Carroll Circuit Court has determined that the particular circumstances within the underlying case warrant recusal and dictate that a special judge be appointed in this case. The Court hereby recuses itself.

Pursuant to L.R.08-CR13-19(C), this Court has determined that no judicial officer within the county may preside over this case.

This Court now Certifies this matter to the Indiana Supreme Court for appointment of a special judge in compliance with L.R.08-CR13-19(B),(C).

SO ORDERED this 3rd day of November 2022.

Benjamin A. Diener, Judge
Carroll Circuit Court

PC: State: Atty. Nicholas C. McLeland
Defendant: C/O
IDOC Ind. Code § 35-33-11-1
<DaStephens@idoc.in.gov>

Indiana Supreme Court
Office of Judicial Administration
Via E-mail <justin.forkner@courts.IN.gov>

ENTERED
NOV 03 2022
CARROLL CIRCUIT COURT

STATE OF INDIANA)
)SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

STATE OF INDIANA,)
Plaintiff,)
)
VS.) ORDER OR JUDGMENT OF THE COURT
)
RICHARD M. ALLEN,)
Defendant.)

Court finds Defendant is unable to hire counsel and is entitled to Court-appointed counsel and investigation.

Court appoints Attorney Bradley Rozzi and Attorney Andrew Baldwin as contract Public Defenders. Counsel instructed to enter their written appearance and be available for hearing November 22, 2022, at 9:00 a.m.

Dated: November 14, 2022

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: ____COURT _XX_ CLERK ____ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Defendant
Bradley Rozzi
Andrew Baldwin
Prosecuting Attorney Nicholas McLeland
Court File

DATED: _____
INITIAL OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____CLERK

STATE OF INDIANA)		IN THE CARROLL CIRCUIT COURT
)SS:		
COUNTY OF CARROLL)		CAUSE NO. 08C01-2210-MR-1
STATE OF INDIANA,	)	
Plaintiff,	)	
	)	
VS.	)	ORDER OR JUDGMENT OF THE COURT
	)	
RICHARD M. ALLEN,	)	
Defendant.	)	

COURTHOUSE MANAGEMENT AND DECORUM ORDER FOR HEARING NOVEMBER 22, 2022 AT 9:00 A.M.

This case has generated substantial public interest and media attention. In light of this, and on the Court's own motion to ensure the integrity of the proceedings, to protect the Defendant's constitutional rights for due process, to ensure the safety of the parties and the public, and to permit public access to criminal proceedings, the Court sets forth the following rules and guidelines for the hearing set for Tuesday, November 22, 2022, in the Carroll Circuit Court.

1. The Courthouse will open at 8:00 a.m. All entrances will be closed, except for the handicapped entrance on the north side of the building. The remaining entrances will be locked with no access to the public.
2. All members of the public, including members of the media, are subject to screening by metal detectors. All bags in possession of those entering the building are subject to search.
3. NO weapons of any kind are permitted in the building, except for on-duty law enforcement officers providing security to the Courthouse and the parties.
4. Cellular telephones are permitted in the building, but must be powered OFF and unused at all times while in the building or the Courtrooms. Violations are subject to seizure and

destruction of the cellular telephone.

5. No electronic equipment or devices are permitted in the Carroll Circuit Court.
6. Media personnel are permitted to attend the Court session. NO cameras, electronics, lap tops or recording equipment of any kind is permitted on the Second Floor and the Third Floor of the Courthouse nor inside the Circuit Courtroom. All such equipment is limited to the First Floor of the Courthouse. The Court requests the media be mindful that other County offices are conducting business in the building unrelated to this case. Media and members of the public are ordered to conduct themselves in such a fashion as to limit disruption to the offices, personnel, and patrons of those offices.
7. The Media are free to use the public areas outside the Courthouse as long as they do not obstruct traffic in the streets and sidewalks surrounding the Courthouse.
8. Seating in the Carroll Circuit Court is limited. The first row of public seats behind the bar separating the well of the courtroom from the public is unavailable for seating. The Sheriff of Carroll County or his designee will ensure that the victim representatives are seated. The remaining seating is available until full. No one, other than Court Security, will be permitted to stand in the Courtroom. All spectators must remain seated until the conclusion of the hearing and the parties have left the Courtroom.
9. No food or beverages are permitted inside the Carroll Circuit Court. Water will be permitted for the parties in the well of the Courtroom.
10. All members of the public and the media are required to follow directives of the Sheriff of Carroll County, Courthouse Security and Courtroom Security.
11. NO court-produced recording will be made available to the public or media. The audio record made pursuant to Indiana Criminal Rule 5 may not be copied or used for purposes

other than perpetuating the record.

The Court anticipates that all members of the public and the media will conduct themselves in an appropriate fashion. Any violation of this Order and any conduct the Court finds disruptive of the proceedings may result in an order of temporary or permanent exclusion from the Courtroom and/or Courthouse and is punishable as contempt of Court.

Dated: November 18, 2022

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: ____COURT _XX_ CLERK ____ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Court File

DATED: _____
INITIAL OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____CLERK

STATE OF INDIANA)
)SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

STATE OF INDIANA,)
Plaintiff,)
)
VS.) ORDER OR JUDGMENT OF THE COURT
)
RICHARD M. ALLEN,)
Defendant.)

Defendant appears in person and with counsel Bradley Rozzi and Andrew Baldwin. State appears by Prosecuting Attorney Nicholas McLeland. Hearing held on the State's Verified Request to Prohibit Public Access to a Court Record, filed October 28, 2022.

Matter taken under advisement.

Defendant's Petition to Let to Bail, filed November 21, 2022, ordered set for hearing in the Carroll Circuit Court February 17, 2023, at 10:00 a.m. Court will enter a separate transport order for the defendant. Omnibus date rescheduled to February 17, 2023, at 10:00 a.m. by agreement of counsel.

Dated: November 22, 2022

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: ____COURT _XX_ CLERK ___ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Court File

DATED: _____
INITIAL OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____CLERK

STATE OF INDIANA)
)SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

STATE OF INDIANA,)
Plaintiff,)
)
VS.) ORDER OR JUDGMENT OF THE COURT
)
RICHARD M. ALLEN,)
Defendant.)

Court notes filing of a Limited Appearance by Attorneys and a pleading entitled "Media Intervenors' Pre-Hearing Brief Seeking Public Access to Probable Cause Affidavit and Charging Information" on November 21, 2022. Court takes this matter under advisement following the hearing conducted on November 22, 2022 on the State's Verified Request to Prohibit Public Access to a Court Record, filed October 28, 2022.

Dated: November 22, 2022

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: ____COURT _XX_ CLERK ___ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Court File

DATED: _____
INITIAL OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____CLERK

STATE OF INDIANA)		IN THE CARROLL CIRCUIT COURT
)SS:		
COUNTY OF CARROLL)		CAUSE NO. 08C01-2210-MR-1
STATE OF INDIANA,	)	
Plaintiff,	)	
	)	
VS.	)	ORDER OR JUDGMENT OF THE COURT
	)	
RICHARD M. ALLEN,	)	
Defendant.	)	

The Court, having had this matter under advisement following a hearing conducted on November 22, 2022, and having considered the evidence submitted and the arguments of counsel, now denies the State's Verified Request to Prohibit Public Access to a Court Record, in part. The Court finds that the State has failed to prove by clear and convincing evidence that the Affidavit of Probable Cause and the Charging Informations should be excluded from public access. The Court finds that the public interest is not served by prohibiting access, and that the protection and safety of witnesses can be ensured by redacting their names from the Affidavit, and that the defendant's personal information can be removed from the Charging Informations.

The Court notes that the Prosecuting Attorney submitted Charging Informations and a Probable Cause Affidavit at the November 22, 2022, hearing that was redacted, eliminating the witnesses' names and identifying personal information of the defendant. Those documents will be released to the public and made part of the record of this cause. The original Charging Informations and Affidavit of Probable Cause shall remain as sealed and confidential Court records as they are not redacted.

The Court further finds that the Media Intervenors' Motion for Leave to Intervene is moot, and therefore, denied.

Court Orders that the redacted Charging Informations and Affidavit for Probable Cause, submitted by the State at the hearing conducted on November 22, 2022, be filed with the Clerk of the Court with this Order, and further that the Clerk shall not release (without prior Court approval) the original, sealed unredacted Informations and Affidavit

Dated: November 28, 2022

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: ____COURT _XX_ CLERK ___ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Court File

DATED: _____
INITIAL OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____CLERK

STATE OF INDIANA)
)SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

STATE OF INDIANA,)
Plaintiff,)
)
VS.) ORDER OR JUDGMENT OF THE COURT
)
RICHARD M. ALLEN,)
Defendant.)

Court orders the State's Motion for Order Prohibiting the Parties, Counsel, Law Enforcement Officials, Court Personnel, Coroner, and Family Members from Disseminating Information or Releasing any Extra-Judicial Statements by Means of Public Communication and the Defendant's Verified Motion for Change of Venue from the County set for hearing January 13, 2023, at 10:00 a.m. in the Carroll Circuit Court. Court to notify.

Dated: December 1, 2022

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: XX COURT __ CLERK ___ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Court File

DATED: _____
INITIAL OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____CLERK

STATE OF INDIANA)		IN THE CARROLL CIRCUIT COURT
)SS:		
COUNTY OF CARROLL)		CAUSE NO. 08C01-2210-MR-1
STATE OF INDIANA,	)	
Plaintiff,	)	
	)	
VS.	)	ORDER OR JUDGMENT OF THE COURT
	)	
RICHARD M. ALLEN,	)	
Defendant.	)	

On the Court's motion, in response to defendant's undated "Press Release", the Court issues an order granting the State's Motion for Order Prohibiting the Parties, Counsel, Law Enforcement Officials, Court Personnel, Coroner, and Family Members from Disseminating Information or Releasing Any Extra-Judicial Statements by Means of Public Communication in whole, pending hearing which the Court has just recently scheduled for January 13, 2023, at 10:00 a.m. in the Carroll Circuit Court.

Counsel for the State of Indiana and the Defendant, as well as their professional staff and other personnel, Law Enforcement Officials, Court Personnel, Coroner, and all family members are prohibited from commenting on this case to the public and to the media, directly or indirectly, by themselves or through any intermediary, in any form, including any social media platforms.

Counsel are reminded that they are required to conform to the Indiana Rules of Court, Rules of Professional Conduct, specifically Rule 3.6 Trial Publicity in its entirety, and Rule 3.8 Special Responsibilities of a Prosecutor in its entirety.

Violations of this Order are punishable as Contempt of Court and subject the violator to a fine and/or incarceration.

Dated: December 2, 2022

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: __XX__COURT __ CLERK ____ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Sheriff of Carroll County
Indiana State Police
Carroll County Coroner
Court File

DATED: _____
INITIAL OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____CLERK

STATE OF INDIANA)
)SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

STATE OF INDIANA,)
Plaintiff,)
)
VS.) ORDER OR JUDGMENT OF THE COURT
)
RICHARD M. ALLEN,)
Defendant.)

Court orders Defendant's Supplemental Motion for Discovery and Request for Rule 404 and 405 Evidence set for hearing January 13, 2023, at 10 a.m. Court further orders Defendant's Ex Parte Motion and Order Authorizing Funding for Fact Investigator set for ex parte hearing January 13, 2023, at 11 a.m.

Dated: January 9, 2023

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: ____COURT _XX_ CLERK ____ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Carroll County Clerk's Office
Court File

DATED: _____
INITIAL OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____CLERK

STATE OF INDIANA)		IN THE CARROLL CIRCUIT COURT
)SS:		
COUNTY OF CARROLL)		CAUSE NO. 08C01-2210-MR-1
STATE OF INDIANA,	)	
Plaintiff,	)	
	)	
VS.	)	ORDER OR JUDGMENT OF THE COURT
	)	
RICHARD M. ALLEN,	)	
Defendant.	)	

COURTHOUSE MANAGEMENT AND DECORUM ORDER FOR HEARING JANUARY 13, 2023 AT 10:00 A.M.

This case has generated substantial public interest and media attention. In light of this, and on the Court's own motion to ensure the integrity of the proceedings, to protect the Defendant's constitutional rights for due process, to ensure the safety of the parties and the public, and to permit public access to criminal proceedings, the Court sets forth the following rules and guidelines for the hearing set for Friday, January 13, 2023, in the Carroll Circuit Court.

1. The Courthouse will open at 8:00 a.m. All entrances will be closed, except for the handicapped entrance on the north side of the building. The remaining entrances will be locked with no access to the public.
2. All members of the public, including members of the media, are subject to screening by metal detectors. All bags in possession of those entering the building are subject to search.
3. NO weapons of any kind are permitted in the building, except for on-duty law enforcement officers providing security to the Courthouse and the parties.
4. Cellular telephones are permitted in the building, but must be powered OFF and unused at all times while in the building or the Courtrooms. Violations are subject to seizure and

destruction of the cellular telephone.

5. No electronic equipment or devices are permitted in the Carroll Circuit Court.
6. Media personnel are permitted to attend the Court session. NO cameras, electronics, lap tops or recording equipment of any kind is permitted on the Second Floor and the Third Floor of the Courthouse nor inside the Circuit Courtroom. All such equipment is limited to the First Floor of the Courthouse. The Court requests the media be mindful that other County offices are conducting business in the building unrelated to this case. Media and members of the public are ordered to conduct themselves in such a fashion as to limit disruption to the offices, personnel, and patrons of those offices.
7. The Media are free to use the public areas outside the Courthouse as long as they do not obstruct traffic in the streets and sidewalks surrounding the Courthouse.
8. Seating in the Carroll Circuit Court is limited. The first row of public seats behind the bar separating the well of the courtroom from the public is unavailable for seating. The Sheriff of Carroll County or his designee will ensure that the victim representatives are seated. The remaining seating is available until full. No one, other than Court Security, will be permitted to stand in the Courtroom. All spectators must remain seated until the conclusion of the hearing and the parties have left the Courtroom.
9. No food or beverages are permitted inside the Carroll Circuit Court. Water will be permitted for the parties in the well of the Courtroom.
10. All members of the public and the media are required to follow directives of the Sheriff of Carroll County, Courthouse Security and Courtroom Security.
11. NO court-produced recording will be made available to the public or media. The audio record made pursuant to Indiana Criminal Rule 5 may not be copied or used for purposes

other than perpetuating the record.

12. At the conclusion of the scheduled hearing on public pending Motions before the Court, the Court will conduct an ex parte hearing with the Defendant and defense counsel on the Ex Parte Motion. The State of Indiana and the public are excluded from this portion of the hearing and will be asked to leave the Courtroom. Court Security will remain and are ordered to keep that portion of the proceeding confidential.

The Court anticipates that all members of the public and the media will conduct themselves in an appropriate fashion. Any violation of this Order and any conduct the Court finds disruptive of the proceedings may result in an order of temporary or permanent exclusion from the Courtroom and/or Courthouse and is punishable as contempt of Court.

Dated: January 10, 2023

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: ____COURT _XX_ CLERK ____ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Carroll County Sheriff's Department
Court File

DATED: _____
INITIAL OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____CLERK

STATE OF INDIANA)		IN THE CARROLL CIRCUIT COURT
)SS:		
COUNTY OF CARROLL)		CAUSE NO. 08C01-2210-MR-1

STATE OF INDIANA,	)	
Plaintiff,	)	
	)	
VS.	)	ORDER OR JUDGMENT OF THE COURT
	)	
RICHARD M. ALLEN,	)	
Defendant.	)	

Defendant appears in person and with counsel; State appears by Prosecuting Attorney McLeland.

Hearing conducted on pending issues.

Having previously granted the State's Motion to Prohibit Communication, pending hearing, and having discussed the matter with counsel in chambers, the Court now grants in whole the State's Motion for Order Prohibiting the Parties, Counsel, Law Enforcement Officials, Court Personnel, Coroner, and Family Members from Disseminating Information or Releasing any Extra-Judicial Statements by Means of Public Communication.

Court takes Defendant's Supplemental Motion for Discovery and Request for Rule 404 and 405 Evidence under advisement as counsel continue to work diligently to exchange discoverable information.

Court acknowledges the Defendant's Motion for Change of Venue and agrees a jury could not be obtained in Carroll County. Pursuant to I.C. 35-36-6-11, a jury will be selected from another

county and transported to Carroll County for trial. Counsel to notify the Court within a week if they can agree to a specific county.

Dated: January 13, 2023

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: __XX__COURT __ CLERK ____ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Sheriff of Carroll County
Indiana State Police
Carroll County Coroner
Court File

DATED: _____
INITIAL OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____CLERK

STATE OF INDIANA)
)SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

STATE OF INDIANA,)
Plaintiff,)
)
VS.) ORDER OR JUDGMENT OF THE COURT
)
RICHARD M. ALLEN,)
Defendant.)

The parties having filed their Stipulation Regarding Defendant's Verified Motion for Change of Venue from the County on January 20, 2023, and the Court having examined same, the Court hereby Orders that the jury venire shall be drawn from Allen County and trial shall be conducted in Carroll County.

Dated: January 24, 2023

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: _XX_COURT __ CLERK ___ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Court File

DATED: _____
INITIAL OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____CLERK

STATE OF INDIANA)
)SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

STATE OF INDIANA,
Plaintiff,

VS.

RICHARD M. ALLEN,
Defendant.

) ORDER OR JUDGMENT OF THE COURT

On the Court's Motion, and with the consent of the parties, the hearing scheduled on February 17, 2023, at 10:00 a.m. on Defendant's Petition to Let Bail will be continued and the resetting of same will be conducted with the attorneys, the Defendant, and the Court appearing remotely February 17, 2023, at 1:30 p.m. Court orders the Transport Order for Defendant cancelled.

Dated: February 16, 2023

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: __XX__COURT __ CLERK ____ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Carroll County Sheriff's Department
Indiana Department of Correction
Court File

DATED: _____
INITIAL OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____CLERK

STATE OF INDIANA)
)SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

STATE OF INDIANA,)
Plaintiff,)
)
VS.) ORDER OR JUDGMENT OF THE COURT
)
RICHARD M. ALLEN,)
Defendant.)

To accommodate Department of Correction availability, the hearing currently set for February 17, 2023, at 1:30 p.m. is reset to February 17, 2023, at 12:30 p.m.

Dated: February 16, 2023

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: __XX__COURT __ CLERK ____ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Carroll County Sheriff's Department
Indiana Department of Correction
Court File

DATED: _____
INITIAL OF PERSON WHO NOTIFIED PARTIES: ____ COURT _____CLERK

STATE OF INDIANA	)	IN THE CARROLL COUNTY CIRCUIT COURT
	) SS:	
COUNTY OF MARION	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
Plaintiff,	)
	)
v.	)
	)
RICHARD M. ALLEN,	)
	)
Defendant.	)

ORDER GRANTING MEDIA INTERVENORS' RENEWED MOTION TO INTERVENE AND MOTION TO GRANT PUBLIC ACCESS TO THE STATE'S VERIFIED REQUEST TO PROHIBIT PUBLIC ACCESS

The matter before the Court is the Renewed Motion to Intervene and Motion to Grant Public Access to the State's Verified Request to Prohibit Public Access filed by the Media Intervenors (the "Motion").[1] The Court, having considered both Motions and being duly advised, finds that the Motions should be GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT the Media Intervenors are granted leave to intervene, and the State's Verified Request to Prohibit Public Access filed on October 28, 2022 shall be released to the public. The Clerk is directed to make the Verified Request available to the public on the docket.

Dated: 2-17-2023

Frances C. Gull, Special Judge
Carroll Circuit Court

Distribution: All counsel of record.

[1] The "Media Intervenors" refer to the following entities collectively: Indiana Broadcasters Association, Inc.; Hoosier State Press Association, Inc.; The Associated Press; Circle City Broadcasting I, LLC d/b/a WISH-TV; E.W. Scripps Company d/b/a WRTV; Nexstar Media Inc. d/b/a WXIN/WTTV; Neuhoff Media Lafayette, LLC; Woof Boom Radio LLC; TEGNA Inc. d/b/a WTHR; Gannett Satellite Information Network, LLC d/b/a The Indianapolis Star; and American Broadcasting Companies, Inc. d/b/a ABC News.

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

ORDER

Comes now the Court, the State of Indiana, by Nicholas C. McLeland, Prosecuting Attorney, having filed its' Motion Requesting Protective Order Governing Discovery, and the Court being duly advised in the premises, now grants said Motion and the State, the Defendant and Counsel for the Defendant, are now instructed and ORDERED as follows:

1. That one copy of the discovery material shall be provided to Counsel for the Defendant.
2. That no additional copies of the discovery material shall be made by the Defendant, Defendant's Counsel, investigator, expert or any other representative or agent of the Defendant for any reason.
3. That the discovery material shall not be used for any purpose other than to prepare for the defense in the above referenced cause number.
4. That the discovery material shall not be publicly exhibited, displayed, shown, used for educational, research or demonstrative purposes or used in any other manner, except in judicial proceedings in the above referenced action.
5. That the discovery material may be viewed only by parties, counsel and counsel's investigators and experts.
6. That if copies of the discovery material are made and provided to the Defendant, investigators or experts for the Defense, that sensitive and private information contained in the discovery shall be redacted, including any social security numbers, IDAC information or NCIC information, any information related to the personal information of juveniles, including social security numbers, names and date of birth and any FBI sentinel information.

7. That none of the discovery material shall be divulged to any person not authorized to view the discovery material; this includes other witnesses, family members, relatives and friends of the Defendant.

8. That no person other than the Defendant, Counsel for the Defendant and those persons listed in paragraph 5 shall be granted access to said discovery material, or the substance of any portion thereof unless that person has signed an agreement in writing that he or she has received a copy of this Order and that he or she submits to the Court's jurisdiction and authority with respect to the discovery; agrees to be subject to the Court's contempt powers for any violation of this Order; and is granted prior permission by this Court to access said discovery.

9. That upon final disposition of the case, the discovery material referred to in paragraph 1 and any and all transcripts shall be returned to the Carroll County Prosecutor's Office or maintained by Defense Counsel pursuant to the terms herein.

10. That Counsel for the Defendant shall be responsible to ensure that all persons involved in the defense of this case comply with this Order.

11. That the written documents/records provided by the State with the discovery material fall under the same rules as described above.

IT IS SO ORDERED this 17 day of February, 2023.

Frances Gull, Special Judge
Carroll Circuit Court

Copy: State
Rozzi
Baldwin

STATE OF INDIANA)
)SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

STATE OF INDIANA,)
Plaintiff,)
)
VS.) ORDER OR JUDGMENT OF THE COURT
)
RICHARD M. ALLEN,)
Defendant.)

Defendant with Attorneys Bradley Rozzi and Andrew Baldwin. State by Prosecuting Attorney Nicholas McLeland. With consent of the parties, hearing on Defendant's Motion to Continue Bail Hearing and Jury Trial conducted via Zoom.

Court grants Defendant's Motion to Continue Bail Hearing and resets the hearing to June 15-16, 2023, at 8:30 a.m. in the Carroll Circuit Court. Jury trial also continued to be reset at the bond/omni hearing June 15, 2023. CR 4 time chargeable to Defendant.

State's Motion for Protective Order granted under separate order without objection by Defendant.

Media Intervenors' Renewed Motion to Intervene and Motion to Grant Public Access to State's Verified Request to Prohibit Public Access granted without hearing and without objection from the State and Defendant under separate order.

Dated: February 21, 2023

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: XX COURT __ CLERK ___ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Court File

DATED: _____
INITIAL OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____CLERK

STATE OF INDIANA)
)SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

STATE OF INDIANA,)
Plaintiff,)
)
VS.) ORDER OR JUDGMENT OF THE COURT
)
RICHARD M. ALLEN,)
Defendant.)

On November 3, 2022, the Judge of the Carroll Circuit Court, at the request of the Carroll County Sheriff, entered the following order:

"Accordingly, pursuant to Ind. Code 35-33-11-1, the Court ORDERS the Sheriff of Carroll County to transfer Defendant to a facility of the department of correction designated by the commissioner of the department as suitable for the confinement of Defendant and provided that space is available." These types of orders are referred to as "safe keeper" orders. The Department of Correction has complied with this order.

Consistent with that Order and the "safe keeper" statute, the Department of Correction is authorized to move the Defendant within the Department of Correction to accommodate his medical and physical needs pursuant to medical directives by the Department of Correction physicians, psychiatrists, or psychologists.

Dated: April 14, 2023

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: __XX__COURT __ CLERK ____ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Indiana Department of Correction
Court File

DATED: _____
INITIAL OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____CLERK

STATE OF INDIANA)
)SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

STATE OF INDIANA,)
Plaintiff,)
)
VS.) ORDER OR JUDGMENT OF THE COURT
)
RICHARD M. ALLEN,)
Defendant.)

The Court, having had defendant's Motion to Quash Subpoena under advisement, now grants the Motion to Quash the Subpoena Duces Tecum directed to Westville Correctional Facility relating to defendant's mental health records, mental health evaluations and/or exams, medical documentation and/or medical evaluations. The Motion to Quash the Subpoena Duces Tecum directed to Westville Correctional Facility regarding audio/video recordings, written observations, recordings, phone calls, written requests, or other documentation is denied. The Motion to Quash the Subpoena Duces Tecum directed to CVS Headquarters is denied.

The defense Motion to Reconsider and Request for Due Process Hearing ordered set for hearing June 15, 2023, at 10:00 a.m. The hearing currently set on defendant's request for bail is ordered converted to a hearing on defendant's Motion to Suppress.

Dated: May 25, 2023

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: XX COURT __ CLERK ___ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Sheriff of Carroll County
Court File

DATED: 5-31-23
INITIAL OF PERSON WHO NOTIFIED PARTIES: ___ COURT ____CLERK

STATE OF INDIANA)		IN THE CARROLL CIRCUIT COURT
)SS:		
COUNTY OF CARROLL)		CAUSE NO. 08C01-2210-MR-1

STATE OF INDIANA,	)	
Plaintiff,	)	
	)	
VS.	)	ORDER OR JUDGMENT OF THE COURT
	)	
RICHARD M. ALLEN,	)	
Defendant.	)	

COURTHOUSE MANAGEMENT AND DECORUM ORDER FOR HEARING JUNE 15, 2023 AT 10:00 A.M.

This case has generated substantial public interest and media attention. In light of this, and on the Court's own motion to ensure the integrity of the proceedings, to protect the Defendant's constitutional rights for due process, to ensure the safety of the parties and the public, and to permit public access to criminal proceedings, the Court sets forth the following rules and guidelines for the hearing set for Thursday, June 15, 2023, in the Carroll Circuit Court.

1. The Courthouse will open at 8:00 a.m. All entrances will be closed, except for the handicapped entrance on the north side of the building. The remaining entrances will be locked with no access to the public.
2. All members of the public, including members of the media, are subject to screening by metal detectors. All bags in possession of those entering the building are subject to search.
3. NO weapons of any kind are permitted in the building, except for on-duty law enforcement officers providing security to the Courthouse and the parties.
4. Cellular telephones are permitted in the building, but must be powered OFF and unused at all times while in the building or the Courtrooms. Violations are subject to seizure and

destruction of the cellular telephone.

5. No electronic equipment or devices are permitted in the Carroll Circuit Court.
6. Media personnel are permitted to attend the Court session. NO cameras, electronics, lap tops or recording equipment of any kind is permitted on the Second Floor and the Third Floor of the Courthouse nor inside the Circuit Courtroom. All such equipment is limited to the First Floor of the Courthouse. The Court requests the media be mindful that other County offices are conducting business in the building unrelated to this case. Media and members of the public are ordered to conduct themselves in such a fashion as to limit disruption to the offices, personnel, and patrons of those offices.
7. The Media are free to use the public areas outside the Courthouse as long as they do not obstruct traffic in the streets and sidewalks surrounding the Courthouse.
8. Seating in the Carroll Circuit Court is limited. The first row of public seats behind the bar separating the well of the courtroom from the public is unavailable for seating. The Sheriff of Carroll County or his designee will ensure that the victim representatives are seated. The remaining seating is available until full. No one, other than Court Security, will be permitted to stand in the Courtroom. All spectators must remain seated until the conclusion of the hearing and the parties have left the Courtroom.
9. No food or beverages are permitted inside the Carroll Circuit Court. Water will be permitted for the parties in the well of the Courtroom.
10. All members of the public and the media are required to follow directives of the Sheriff of Carroll County, Courthouse Security and Courtroom Security.
11. NO court-produced recording will be made available to the public or media. The audio record made pursuant to Indiana Criminal Rule 5 may not be copied or used for purposes

other than perpetuating the record.

12. At the conclusion of the scheduled hearing on public pending Motions before the Court, the Court will conduct an ex parte hearing with the Defendant and defense counsel on the Ex Parte Motion. The State of Indiana and the public are excluded from this portion of the hearing and will be asked to leave the Courtroom. Court Security will remain and are ordered to keep that portion of the proceeding confidential.

The Court anticipates that all members of the public and the media will conduct themselves in an appropriate fashion. Any violation of this Order and any conduct the Court finds disruptive of the proceedings may result in an order of temporary or permanent exclusion from the Courtroom and/or Courthouse and is punishable as contempt of Court.

Dated: June 12, 2023

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: gw COURT _XX_ CLERK ___ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Carroll County Sheriff's Department
Court File

DATED: 6-13-23
INITIAL OF PERSON WHO NOTIFIED PARTIES: gw COURT _____CLERK

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO: 08C01-2210-MR-000001
STATE OF INDIANA	)	
	)	
vs.	)	
	)	
RICHARD M. ALLEN	)	

ORDER

Comes now the Court and having communicated with the parties on Defendant Allen's Motion for Order on Continuing Disclosure of Defendant's Mental Health Records, now grants said Motion and orders the Indiana Department of Corrections and/or any other departments, law enforcement agencies, and/or individuals assuming jurisdiction over the care and the custody of Richard M. Allen (D/O/B: 9/9/72) to release to Attorney Bradley A. Rozzi and/or Andrew Baldwin, upon the written request or either, any and all mental health records associated with Richard M. Allen, without the necessity of the execution of consents and/or waivers by Defendant Allen or his agents.

Ordered June 16, 2023.

FRANCES C. GULL, SPECIAL JUDGE
CARROLL CIRCUIT COURT
CARROLL COUNTY, INDIANA

STATE OF INDIANA)		IN THE CARROLL CIRCUIT COURT
)SS:		
COUNTY OF CARROLL)		CAUSE NO. 08C01-2210-MR-1
STATE OF INDIANA,	)	
Plaintiff,	)	
	)	
VS.	)	ORDER OR JUDGMENT OF THE COURT
	)	
RICHARD M. ALLEN,	)	
Defendant.	)	

Defendant appears in person and with counsel, Bradley Rozzi and Andrew Baldwin. State by Prosecuting Attorney Nicholas McLeland.

Court is informed by Counsel that the hearing on defendant's Motion to Suppress needs to be continued to be reset once defense counsel files its notice of omissions/inaccuracies.

Hearing conducted on defendant's Motion to Reconsider Safekeeping Order. Evidence and arguments of counsel taken under advisement.

Defendant's Motion for Temporary Restraining Order on Department of Correction Use of Cameras and Request for Preliminary Injunction to pend as the Department of Correction has stopped remote filming attorney meetings with defendant.

Court grants defendant's Motion for Order on Continuing Disclosure of Defendant's Mental Health Records under separate order.

Ex Parte Motions heard and concluded. Counsel will submit Ex Parte pleading under seal for the Court to consider.

Court will issue a separate, detailed order on the sealed pleadings which will be unsealed by agreement of Counsel.

Jury trial ordered set January 8-26, 2024, with jury selection to be conducted in Allen County, Indiana, and trial to be conducted in Carroll County, Indiana.

Dated: June 20, 2023

Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: __XX__COURT __ CLERK ____ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Indiana Department of Correction
Court File

DATED: _____

INITIAL OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____CLERK

STATE OF INDIANA
CARROLL CIRCUIT COURT

ENTERED
OCT 28 2022
CARROLL CIRCUIT COURT

STATE OF INDIANA

V.

RICHARD M. ALLEN
DOB: 09/09/1972
SSN: xxx-xx-3934

CAUSE NO. 08C01-2210-MR-1

ORDER ON INITIAL HEARING

State of Indiana appears by Nicholas C. McLeland, Prosecuting Attorney. Defendant appears in person, in custody of the Sheriff of Carroll County, Indiana.

Defendant is advised of his right to counsel and of his constitutional and statutory rights, the charges against him, and the possible penalties.

Defendant advises the Court he intends to hire private counsel. Defendant is advised that he must retain counsel within twenty days as there are deadlines associated with the omnibus hearing, which may be waived if not timely pled.

Pleas of not guilty are entered.

Omnibus hearing is set for **January 13, 2023, at 9:00 a.m.** and Trial by Jury is set as a first setting on **March 20, 2023, at 9:00 a.m.** Defendant is ORDERED and DIRECTED to appear on said dates. Failure to appear may result in the issuance of a bench warrant.

Pre-Omnibus Order is issued.

State of Indiana requests Defendant be held without bond. The Court now ORDERS Defendant held without bond pending further hearing.

So ORDERED this 28th day of October, 2022.

Benjamin A. Diener, Judge
Carroll Circuit Court

pc: State: Atty. Nicholas C. McLeland
Defendant: Richard M. Allen c/o Sheriff of Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)SS:	
COUNTY OF CARROLL	)	CAUSE NO.08C01-2210-MR-000001
	)	
STATE OF INDIANA	)	
	)	
v.	)	
	)	
RICHARD M ALLEN	)	

ORDER SETTING HEARING ON PETITION TO LET TO BAIL

Comes now Accused, by counsel, and having filed his Petition to Let to Bail.

And the court having examined the same, and being duly advised in the premises, now sets this matter for a hearing on _____.

Date: _____

_____
Honorable Special Judge,
Carroll Circuit Court 1

Distribution:
Carroll County Prosecutor's Office
BALDWIN PERRY & KAMISH, P.C.

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-000
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

FILED
October 28, 2022
CLERK CARROLL CIRCUIT COURT
KA

VERIFIED REQUEST TO PROHIBIT PUBLIC ACCESS TO A COURT RECORD

Now comes Nicholas C. McLeland, Carroll County Prosecuting Attorney, being first duly sworn upon his oath, and requests the Court to prohibit public access to the Charging Information, the Probable Cause Affidavit and other Court documents filed in this cause of action. In support of said request, the State shows the following:

1. That the public interest will be secured by the sealing of the record;
2. That dissemination of the information contained in the record will create a serious and imminent danger to the public interest;
3. That any prejudicial effect created by dissemination of the information cannot be avoided by any reasonable method other than sealing of the record;
4. That there is a substantial probability that sealing of the record will be effective in protecting the public interest against the perceived danger;
5. That the public interest will be substantially served by prohibiting access for the reason that the release of the information might damage an ongoing murder investigation; or;
6. That access or dissemination of the Court Record will create a significant risk of substantial harm to the requestor, other persons, or the general public.

That now comes the State of Indiana, by Nicholas C. McLeland, Carroll County Prosecuting Attorney, and requests the Court to prohibit public access to the Charging Information, the Probable Cause Affidavit and other Court documents. Further the State is asking the Court to find that remedial benefits to be gained by effectuating the public policy of the state are outweighed by a preponderance of the evidence for the above referenced reasons

and seal the records involved with this Cause of Action, until further Order of the Court and for all other just and proper relief in the premises.

Dated this 27TH day of October, 2022.

Nicholas C. McLeland, Atty. #28300-08
Carroll County Prosecuting Attorney

STATE OF INDIANA

COUNTY OF CARROLL, SS:

CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

VERIFIED REQUEST TO PROHIBIT PUBLIC

ACCESS TO A COURT RECORD

Nicholas C. McLeland, Prosecuting Attorney, being first duly sworn upon his oath, requests the Court to prohibit public access, and shows the Court that:

1) The public interest will be substantially served by prohibiting access for the reason that the release of the information might damage an ongoing case; or
2) Access or dissemination of the Court Record will create a significant risk of substantial harm to the requestor, other persons, or the general public.

I affirm under penalty of perjury as specified by I.C. 35-44.1-2-1, that the foregoing representations are true.

Dated this 14th day of April 2023.

Nicholas C. McLeland, Atty. #28300-08
Prosecuting Attorney

FILED
APR 14 2023
Sharon E. Miebuhr
CLERK CARROLL CIRCUIT COURT

STATE OF INDIANA

COUNTY OF CARROLL, SS:

IN THE INVESTIGATION OF

CRIMES COMMITTED

IN CARROLL COUNTY, INDIANA

CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

VERIFIED REQUEST TO PROHIBIT PUBLIC

ACCESS TO A COURT RECORD

Nicholas C. McLeland, Prosecuting Attorney, being first duly sworn upon his oath, requests the Court to prohibit public access, and shows the Court that:

1) The public interest will be substantially served by prohibiting access for the reason that the release of the information might damage an ongoing murder investigation; or
2) Access or dissemination of the Court Record will create a significant risk of substantial harm to the requestor, other persons, or the general public.

I affirm under penalty of perjury as specified by I.C. 35-44.1-2-1, that the foregoing representations are true.

Dated this 20th day of April, 2023.

FILED

APR 20 2023

Sharon E. Mickum

CLERK CARROLL CIRCUIT COURT

Nicholas C. McLeland, Atty. #28300-08
Prosecuting Attorney

STATE OF INDIANA

COUNTY OF CARROLL, SS:

IN THE INVESTIGATION OF

CRIMES COMMITTED

IN CARROLL COUNTY, INDIANA

CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

VERIFIED REQUEST TO PROHIBIT PUBLIC

ACCESS TO A COURT RECORD

Nicholas C. McLeland, Prosecuting Attorney, being first duly sworn upon his oath, requests the Court to prohibit public access, and shows the Court that:

1) The public interest will be substantially served by prohibiting access for the reason that the release of the information might damage an ongoing murder investigation; or
2) Access or dissemination of the Court Record will create a significant risk of substantial harm to the requestor, other persons, or the general public.

I affirm under penalty of perjury as specified by I.C. 35-44.1-2-1, that the foregoing representations are true.

Dated this 20th day of April, 2023.

FILED
APR 20 2023
Sharon E Mieburn
CLERK CARROLL CIRCUIT COURT

Nicholas C. McLeland, Atty. #28300-08
Prosecuting Attorney

STATE OF INDIANA

COUNTY OF CARROLL, SS:

IN THE INVESTIGATION OF

CRIMES COMMITTED

IN CARROLL COUNTY, INDIANA

CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

FILED
APR 20 2023
Sharon E Mieburn
CLERK CARROLL CIRCUIT COURT

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1) The public interest will be substantially served by prohibiting access for the reason that the release of the information might damage an ongoing murder investigation; or
2) Access or dissemination of the Court Record will create a significant risk of substantial harm to the requestor, other persons, or the general public.

I affirm under penalty of perjury as specified by I.C. 35-44.1-2-1, that the foregoing representations are true.

Dated this 20th day of April, 2023.

Nicholas C. McLeland, Atty. #28300-08
Prosecuting Attorney

STATE OF INDIANA

COUNTY OF CARROLL, SS:

IN THE INVESTIGATION OF

CRIMES COMMITTED

IN CARROLL COUNTY, INDIANA

CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

FILED
APR 20 2023
Sharon E Mieburn
CLERK CARROLL CIRCUIT COURT

VERIFIED REQUEST TO PROHIBIT PUBLIC ACCESS TO A COURT RECORD

Nicholas C. McLeland, Prosecuting Attorney, being first duly sworn upon his oath, requests the Court to prohibit public access, and shows the Court that:

1) The public interest will be substantially served by prohibiting access for the reason that the release of the information might damage an ongoing murder investigation; or
2) Access or dissemination of the Court Record will create a significant risk of substantial harm to the requestor, other persons, or the general public.

I affirm under penalty of perjury as specified by I.C. 35-44.1-2-1, that the foregoing representations are true.

Dated this 20th day of April, 2023.

Nicholas C. McLeland, Atty. #28300-08
Prosecuting Attorney

STATE OF INDIANA

COUNTY OF CARROLL, SS:

STATE OF INDIANA

VS.

RICHARD M. ALLEN

CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

FILED
JUN 13 2023
Sharon E Miebuhr
CLERK CARROLL CIRCUIT COURT

VERIFIED REQUEST TO PROHIBIT PUBLIC ACCESS TO A COURT RECORD

Nicholas C. McLeland, Prosecuting Attorney, being first duly sworn upon his oath, requests the Court to prohibit public access, and shows the Court that:

1) The State makes said request in an effort to remain in compliance with the Order or Judgement of the Court (Gag Order) entered in this cause on December 2, 2022; and
2) Access or dissemination of the Court Record will create a significant risk of substantial harm to the requestor, other persons, or the general public.

I affirm under penalty of perjury as specified by I.C. 35-44.1-2-1, that the foregoing representations are true.

Dated this 13th day of June, 2023.

Nicholas C. McLeland, Atty. #28300-08
Prosecuting Attorney

STATE OF INDIANA

COUNTY OF CARROLL, SS:

STATE OF INDIANA

VS.

RICHARD M. ALLEN

CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-1

FILED
JUN 13 2023
Sharon E. Mieburn
CLERK CARROLL CIRCUIT COURT

VERIFIED REQUEST TO PROHIBIT PUBLIC ACCESS TO A COURT RECORD

Nicholas C. McLeland, Prosecuting Attorney, being first duly sworn upon his oath, requests the Court to prohibit public access, and shows the Court that:

1) The State makes said request in an effort to remain in compliance with the Order or Judgement of the Court (Gag Order) entered in this cause on December 2, 2022; and
2) Access or dissemination of the Court Record will create a significant risk of substantial harm to the requestor, other persons, or the general public.

I affirm under penalty of perjury as specified by I.C. 35-44.1-2-1, that the foregoing representations are true.

Dated this 13th day of June, 2023.

Nicholas C. McLeland, Atty. #28300-08
Prosecuting Attorney

STATE OF INDIANA
SS:
COUNTY OF CARROLL

CARROLL CIRCUIT COURT
DELPHI, INDIANA

STATE OF INDIANA
VS.
RICHARD M. ALLEN

CAUSE NO. 08C01-2210-MR-01

PROBABLE CAUSE AFFIDAVIT

I, the undersigned affiant, submit the following information pursuant to I.C. 35-33-7-2 as a sworn affidavit setting forth the facts and circumstances known to law enforcement of Carroll County as the basis for probable cause to arrest without a warrant or to establish probable cause for issuance of an arrest warrant for the above named defendant.

That the facts and circumstances described below would be sufficient basis for a person of reasonable caution and prudence to believe that the accused has committed or attempted to commit the offense(s) described and that if arrested without a warrant, such would be authorized under I.C. 35-33-1-1.

That the hearsay statements of witnesses contained herein are considered reliable and credible due to the witness's personal knowledge and/or are corroborated by the totality of the circumstances.

That on February 14th, 2017 Victim 1 and Victim 2 were found deceased in the woods approximately 0.2 miles northeast of the Monon High Bridge in Carroll County. Their bodies were located on the north side of the Deer Creek.

At the time, the Monon High Bridge Trail was an approximately 1 mile gravel trail terminating at the Monon High Bridge. The Monon High Bridge is an abandoned railroad trestle approximately 0.25 miles long spanning the Deer Creek and Deer Creek valley on the southeast end of the trail. Approximately 0.7 miles northwest on the trail from the northwestern edge of the Monon High Bridge is the Freedom Bridge, which is a pedestrian bridge spanning State Road 25. Approximately 350 feet west of Freedom Bridge was a former railroad overpass over Old State Road 25 (also known as County Road 300 North). The trail terminates just west of the former railroad overpass. The majority of the trail is in a wooded area with a

steep embankment on the south side of the trail. The entirety of the trail and the location of the girls bodies were and are located in Carroll County, Indiana.

Through interviews, reviews of electronic records, and review of video at the Hoosier Harvestore, investigators believe Victim 1 and Victim 2 were dropped off across from the Mears Farm at 1:49 p.m. on February 13th, 2017 by . The Mears farm is located on the north side of County Road 300 North near an entrance to the trails. A video from Victim 2's phone shows that at 2:13 p.m. Victim 1 and Victim 2 encountered a male subject on the southeast portion of the Monon High Bridge. The male ordered the girls "Guys, Down the hill". No witnesses saw them after this time. No outgoing communications were found on Victim 2's phone after this time. Their bodies were discovered on February 14th, 2017.

The video recovered from Victim 2's phone shows Victim 1 walking southeast on the Monon High Bridge while a male subject wearing a dark jacket and jeans walks behind her. As the male subject approaches Victim 1 and Victim 2, one of the victims mentions, "gun". Near the end of the video a male is seen and heard telling the girls, "Guys, Down the hill." The girls then begin to proceed down the hill and the video ends. A still photograph taken from the video and the "Guys, Down the hill" audio was subsequently released to the public to assist investigators in identifying the male.

Victim 1 and Victim 2's deaths were ruled as homicides. Clothes were found in the Deer Creek belonging to Victim 1 and Victim 2, south of where their bodies were located. There was also a .40 caliber unspent round less than two feet away from Victim 2's body, between Victim 1 and Victim 2's bodies. The round was unspent and had extraction marks on it.

Interviews were conducted with 3 juveniles, and . They advised they were on the Monon High Bridge Trail on February 13th, 2017. They advised they were walking on the trail toward Freedom Bridge to go home when they encountered a male walking from Freedom Bridge toward the Monon High Bridge. described the male as "kind of creepy" and advised he was wearing "like blue jeans a like really light blue jacket and he his hair was gray maybe a little brown and he did not really show his face." She advised the jacket was a duck canvas type jacket. advised she said "Hi" to the male but he just glared at them. She recalled him being in all black and had something covering his mouth. She described him as "not very tall" with a bigger build. She said he was not bigger than 5'10". advised he was wearing a black hoodie, black jeans, and black boots. She stated he had his hands in his pockets.

showed investigators photographs she took on her phone while she was on the trail that day. The

photographs included a photo of the Monon High Bridge taken at 12:43 p.m., and another one taken at 1:26 p.m. of the bench East of the Freedom Bridge. advised after she took the photo of the bench they started walking back toward Freedom Bridge. She advised that was when they encountered the man who matched the description of the photograph taken from Victim 2's video. described the man she encountered on the trail as wearing a blue or black windbreaker jacket. She advised the jacket had a collar and he had his hood up from the clothing underneath his jacket. She advised he was wearing baggy jeans and was taller than her. She advised her head came up to approximately his shoulder. She advised said "Hi" to the man and that he said nothing back. She stated he was walking with a purpose like he knew where he was going. She stated he had his hands in his pockets and kept his head down. She advised she did not get a good look at his face but believed him to be a white male. The girls advised after encountering the male they continued their walk across Freedom Bridge and the old railroad bridge over Old State Road 25.

Investigators spoke with who advised she was on the trails on February 13th, 2017. Video from the Hoosier Harvestore captured vehicle traveling eastbound at 1:46 p.m. toward the entrance across from the Mears farm. advised she saw 4 juvenile females walking on the bridge over Old State Road 25 as she was driving underneath on her way to park. advised there were no other cars parked across from the Mears farm when she parked. She advised she walked to the Monon High Bridge and observed a male matching the one from Victim 2's video. She described the male she saw as a white male, wearing blue jeans and a blue jean jacket. She advised he was standing on the first platform of the Monon High Bridge, approximately 50 feet from her. She advised she turned around at the bridge and continued her walk. She advised approximately halfway between the bridge and the parking area across from Mears farm, she passed two girls walking toward Monon High Bridge. She advised she believed the girls were Victim 1 and Victim 2. Video from the Hoosier Harvestore shows at 1:49 p.m. a white car matching vehicle traveling away from the entrance across from the Mears farm. advised she finished her walk and saw no other adults other than the male on the bridge. Her vehicle is seen on Hoosier Harvestore video at 2:14 p.m. leaving westbound from the trails. advised when she was leaving she noted a vehicle was parked in an odd manner at the old Child Protective Services building. She said it was not odd for vehicles to be parked there but she noticed it was odd because of the manner it was parked, backed in near the building. Investigators received a tip from in which he stated he was on his way

to Delphi on State Road 25 around 2:10 p.m. on February 13th, 2017. He observed a purple PT Cruiser or a small SUV type vehicle parked on the south side of the old CPS building. He stated it appeared as though it was backed in as to conceal the license plate of the vehicle. both drew diagrams of where they saw the vehicle parked and their diagrams generally matched as to the area the vehicle was parked and the manner in which it was parked. advised he remembered seeing a smaller dark colored car parked at the old CPS building. He described it as possibly being a "smart" car. vehicle is seen leaving at 2:28 p.m. on the Hoosier Harvestore video.

Investigators spoke with , who stated that she was traveling East on 300 North on February 13th, 2022 and observed a male subject walking west, on the North side of 300 North, away from the Monon High Bridge. advised that the male subject was wearing a blue colored jacket and blue jeans and was muddy and bloody. She further stated, that it appeared he had gotten into a fight. Investigators were able to determine from watching the video from the Hoosier Harvestore that was traveling on CR 300 North at approximately 3:57 p.m.

Through interviews, electronic data, photographs, and video from the Hoosier Harvestore investigators determined that there were other people on the trail that day after 2:13 p.m. Those people were interviewed and none of those individuals encountered the male subject referenced above, witnessed by the juvenile girls, and . Further none of those individuals witnessed Victim 1 and Victim 2.

Investigators reviewing prior tips encountered a tip narrative from an officer who interviewed Richard M. Allen in 2017. That narrative stated:

> *Mr. Allen was on the trail between 1330-1530. He parked at the old Farm Bureau building and walked to the new Freedom Bridge. While at the Freedom Bridge he saw three females. He noted one was taller and had brown or black hair. He did not remember description nor did he speak with them. He walked from the Freedom Bridge to the High Bridge. He did not see anybody, although he stated he was watching a stock ticker on his phone as he walked. He stated there were vehicles parked at the High Bridge trail head, however did not pay attention to them. He did not take any photos or video.*
>
> *His cell phone did not list an IMEI but did have the following:*
> *MEID-256 691 463 100 153 495*
> *MEIDHEX-99002470257797*
> *Potential follow up information: Who were the three girls walking in the area of Freedom Bridge?*

Investigators believe Mr. Allen was referring to the former Child Protective Services building as there

was not a Farm Bureau building in the area nor had there been. Investigators believe the females he saw included and due to the time they were leaving the trail, the time he reported getting to the trail, and the descriptions the three females gave.

Investigators discovered Richard Allen owned two vehicles in 2017 – a 2016 black Ford Focus and a 2006 gray Ford 500. Investigators observed a vehicle that resembled Allen's 2016 Ford Focus on the Hoosier Harvestore video at 1:27 p.m traveling westbound on CR 300 North in front of the Hoosier Harvestore, which coincided with his statement that he arrived around 1:30 p.m. at the trails. Investigators note witnesses described the vehicle parked at the former Child Protective Services Building as a PT Cruiser, small SUV, or "Smart" car. Investigators believe those descriptions are similar in nature to a 2016 Ford Focus.

On October 13th, 2022 Richard Allen was interviewed again by investigators. He advised he was on the trails on February 13th, 2017. He stated he saw juvenile girls on the trails east of Freedom Bridge and that he went onto the Monon High Bridge. Richard Allen further stated he went out onto the Monon High Bridge to watch the fish. Later in his statement, he said he walked out to the first platform on the bridge. He stated he then walked back, sat on a bench on the trail and then left. He stated he parked his car on the side of an old building. He told investigators that he was wearing blue jeans and a blue or black Carhartt jacket with a hood. He advised he may have been wearing some type of head covering as well. He further claimed he saw no one else except for the juvenile girls he saw east of the Freedom Bridge. He told investigators that he owns firearms and they are at his home.

Richard M. Allen's wife, Kathy Allen, also spoke to investigators. She confirmed that Richard did have guns and knives at the residence. She also stated that Richard still owns a blue Carhartt jacket.

On October 13th, 2022, Investigators executed a search warrant of Richard Allen's residence at 1967 North Whiteman Drive, Delphi, Carroll County, Indiana. Among other items, officers located jackets, boots, knives and firearms, including a Sig Sauer, Model P226, .40 caliber pistol with serial number U 625 627.

Between October 14th, 2022 and October 19th, 2022 the Indiana State Police Laboratory performed an analysis on Allen's Sig Sauer Model P226. The Laboratory performed a physical examination and classification of the firearm, function test, barrel and overall length measurement, test firing, ammunition component characterization, microscopic comparison, and NIBIN. The Laboratory determined the

unspent round located within two feet of Victim 2's body had been cycled through Richard M. Allen's Sig Sauer Model P226. The Laboratory remarked:

> *An identification opinion is reached when the evidence exhibits an agreement of class characteristics and a sufficient agreement of individual marks. Sufficient agreement is related to the significant duplication of random striated/impressed marks as evidenced by the correspondence of a pattern or combination of patterns of surface contours. The interpretation of identification is subjective in nature, and based on relevant scientific research and the reporting examiner's training and experience.*

Investigators then ran the firearm and found that the firearm was purchased by Richard Allen in 2001. Richard Allen voluntarily came to the Indiana State Police post on October 26th, 2022. He spoke with investigators and stated that he never allowed anyone to use or borrow the Sig Sauer Model P226 firearm. When asked about the unspent bullet, he did not have an explanation of why the bullet was found between the bodies of Victim 1 and Victim 2. He again admitted that he was on the trail but denied knowing Victim 1 or Victim 2 and denied any involvement in their murders.

Carroll County Sheriff's Department Detective has been part of the investigation since it started in 2017. He has had an opportunity to review and examine evidence gathered in this investigation. Detective , along with other investigators, believe the evidence gathered shows that Richard Allen is the male subject seen on the video from Victim 2's phone who forced the victims down the hill. Further, that the victims were forced down the hill by Richard Allen and lead to the location where they were murdered.

Through the statements and photographs of the juvenile females and the statement of ; and were at the southeast edge of the trail at 12:43 p.m., east of Freedom Bridge at 1:26 p.m., and walked across the former railroad overpass over Old State Road 25 after 1:26 p.m. and before 1:46 p.m. They walked the entirety of the trail and observed only one person – an adult male. vehicle is seen on Hoosier Harvestore video at 1:46 p.m. and leaving at 2:14 p.m. and she stated she only saw one adult male. , and described the male in similar manners, wearing similar clothing, leading investigators to believe all four saw the same male individual.

Investigators believe the male observed by , and is the same male depicted in the video from Victim 2's phone due to the descriptions of the male by the four females matching the male in the video. Furthermore, Victim 2's video was taken at 2:13 p.m., and saw only one male while she was on the trail from approximately 1:46 p.m. to 2:14 p.m.

Investigators believe Richard Allen was the male seen by , and and the male seen in Victim 2's video. Richard Allen told investigators he was on the trail from 1:30 p.m. to 3:30 p.m. that day. Video from Hoosier Harvestore shows a vehicle that matches the description of Richard Allen's vehicle passing at 1:27 p.m. toward the former CPS building. The clothing he told investigators he was wearing match the clothing of the male in Victim 2's video and the clothing descriptions provided by , and . A vehicle matching the description of his 2016 Ford Focus is seen at or around 2:10 p.m., 2:14 p.m., and 2:28 p.m. at the former CPS building. Through his own admissions, Richard Allen walked the trails and eventually hiked to the Monon High Bridge and walked out onto the Monon High Bridge.

A male subject matching Richard Allen's description was not seen on the trail after 2:13 p.m. Investigators identified other individuals on the trails or C.R. 300 North between 2:30 p.m. and 4:11 p.m. None of those individuals saw a male subject matching the description of Richard Allen on the trail. Furthermore, Richard Allen stated that he only saw three girls on the trail, who investigators believe to be .

Investigators believe Richard Allen was not seen on the trail after 2:13 p.m. because he was in the woods with Victim 1 and Victim 2. An unspent .40 caliber round between the bodies of Victim 1 and Victim 2, was forensically determined to have been cycled through Richard Allen's Sig Sauer Model P226. The Sig Sauer Model P226 was found at Richard Allen's residence and he admitted to owning it. Investigators were able to determine that he had owned it since 2001. Richard Allen stated he had not been on that property where the unspent round was found, that he did not know the property owner, and that he had no explanation as to why a round cycled through his firearm would be at that location. Furthermore, he stated that he never allowed anyone to use or borrow the Sig Sauer Model P226. Investigators believe that after the victims were murdered, Richard Allen returned to his vehicle by walking down CR 300 North. Investigators believe he was seen by walking back to his vehicle on CR 300 north, with clothes that were muddy and bloody.

, along with investigators, believe the statements made by the witnesses because the statements corroborate the timeline of the death the two victims, as well as coincide with the admissions made by Richard Allen. Further, the accounts relayed by , and . are similar in nature and time stamps on photographs taken by correspond to the times the juvenile females said they were on the trail and saw male individual.

CARROLL CIRCUIT COURT

Date: October 27, 2022

STATE OF INDIANA

VS

RICHARD M. ALLEN
1967 Whiteman Drive,
Delphi, IN 46923
DOB: 9/9/1972
SSN: XXX-XX-3934

CAUSE NUMBER 08C01-2210-MR-01

The Court will please enter the following minutes:

State of Indiana by Nicholas C. McLeland, Prosecuting Attorney, files probable cause affidavit executed by Tony Liggett and information for: Count 1: Murder, a Felony; and Count 2: Murder, a Felony.

The Defendant being in custody, the court determines that probable cause does exist. The Court sets bond in this matter at

_____.

Initial hearing is set at _____ on: _____.

Entry Approved: _____
Benjamin A. Diener, Judge
Carroll Circuit Court

/s/Nicholas C. McLeland
_____
Nicholas C. McLeland
Prosecuting Attorney
Attorney # 28300-08

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-000
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

COURT ORDER

Now comes the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, filed a *Motion for Order Prohibiting the Parties, Counsel, Law Enforcement Officials, Court Personnel, Coroner, and Family Members from Disseminating Information or Releasing any Extra-Judicial Statements by Means of Public Communication.*

The Court takes the motion under advisement and sets this matter for a hearing on _____. All parties are ordered to appear on said time and date.

SO ORDERED this _____ day of November 2022.

_____
Frances Gull, Special Judge
Carroll Circuit Court

PC:
State: Atty. Nicholas C. McLeland
Defendant: Brad Rozzi
Andrew Baldwin

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

SUBPOENA DUCES TECUM

TO: Westville Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391

Pursuant to Rule 2 of the Indiana Rules of Criminal Procedure, you are hereby directed to produce the following to counsel for the Carroll County Prosecutor, Nicholas C. McLeland, at 101 West Main Street, Suite 204, Delphi, Indiana 46923 within thirty (30) days of receipt:

1. All documents requested in the accompanying Request for Production of Documents to a Non-Party.

2. An executed Affidavit of Custodian or Records (enclosed).

Submitted under my hand as counsel of record, pursuant to T.R. 2, on this 20th day of April, 2023.

Respectfully submitted,

Nicholas C. McLeland, #28300-08
Carroll County Prosecutor

The Court finds that the requirements of Omar v. State of Indiana are met and the Request for Leave is Approved this _____ day of April, 2023.

_____
Frances Gull, Special Judge
Carroll Circuit Court

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

SUBPOENA DUCES TECUM

TO: Westville Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391

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1. All documents requested in the accompanying Request for Production of Documents to a Non-Party.

2. An executed Affidavit of Custodian or Records (enclosed).

Submitted under my hand as counsel of record, pursuant to T.R. 2, on this 20TH day of April, 2023.

Respectfully submitted,

Nicholas C. McLeland, #28300-08
Carroll County Prosecutor

The Court finds that the requirements of Omar v. State of Indiana are met and the Request for Leave is Approved this _____ day of April, 2023.

Frances Gull, Special Judge
Carroll Circuit Court

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

SUBPOENA DUCES TECUM

TO: CVS Headquarters
Attn: Records Department
One CVS Drive
Woonsocket, RI 02895

Pursuant to Rule 2 of the Indiana Rules of Criminal Procedure, you are hereby directed to produce the following to counsel for the Carroll County Prosecutor, Nicholas C. McLeland, at 101 West Main Street, Suite 204, Delphi, Indiana 46923 within thirty (30) days of receipt:

1. All documents requested in the accompanying Request for Production of Documents to a Non-Party.

2. An executed Affidavit of Custodian or Records (enclosed).

Submitted under my hand as counsel of record, pursuant to T.R. 2, on this 20TH day of April, 2023.

Respectfully submitted,

Nicholas C. McLeland, #28300-08
Carroll County Prosecutor

The Court finds that the requirements of Omar v. State of Indiana are met and the Request for Leave is Approved this _____ day of April, 2023.

Frances Gull, Special Judge
Carroll Circuit Court

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

SUBPOENA DUCES TECUM

TO: Westville Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391

Pursuant to Rule 2 of the Indiana Rules of Criminal Procedure, you are hereby directed to produce the following to counsel for the Carroll County Prosecutor, Nicholas C. McLeland, at 101 West Main Street, Suite 204, Delphi, Indiana 46923 within thirty (30) days of receipt:

1. All documents requested in the accompanying Request for Production of Documents to a Non-Party.

2. An executed Affidavit of Custodian or Records (enclosed).

Submitted under my hand as counsel of record, pursuant to T.R. 2, on this 20TH day of April, 2023.

Respectfully submitted,

Nicholas C. McLeland, #28300-08
Carroll County Prosecutor

The Court finds that the requirements of Omar v. State of Indiana are met and the Request for Leave is Approved this _____ day of April, 2023.

Frances Gull, Special Judge
Carroll Circuit Court

STATE OF INDIANA	)	IN THE CARROLL COUNTY CIRCUIT COURT
	) SS:	
COUNTY OF MARION	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
Plaintiff,	)
	)
v.	)
	)
RICHARD M. ALLEN	)
	)
Defendant.	)

ORDER GRANTING MEDIA INTERVENORS' MOTION FOR LEAVE TO INTERVENE

The matter before the Court is the Motion for Leave to Intervene filed by Media Intervenors.[1] The Court, having considered the Motion and being duly advised, finds that the Motion should be and is GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

(i) The Media Intervenors are granted leave to intervene in the above-captioned cause for the limited purpose of challenging the State's Verified Request to Prohibit Public Access filed on October 28, 2022 and the provisional exclusion of the Probable Cause Affidavit and Charging Information; and

(ii) The Court will accept and consider the Media Intervenors' Prehearing Brief filed on November 21, 2022 and tendered Post-Hearing Brief (attached to the Motion) in ruling on the State's Verified Request to Prohibit Public Access filed on October 28, 2022.

Dated: _____

_____
Frances C. Gull, Special Judge
Carroll Circuit Court

Distribution: All counsel of record.

[1] The "Media Intervenors" refer to the following entities collectively: Indiana Broadcasters Association, Inc.; Hoosier State Press Association, Inc.; The Associated Press; Circle City Broadcasting I, LLC d/b/a WISH-TV; E.W. Scripps Company d/b/a WRTV; Nexstar Media Inc. d/b/a WXIN/WTTV; Neuhoff Media Lafayette, LLC; Woof Boom Radio LLC; TEGNA Inc. d/b/a WTHR; Gannett Satellite Information Network, LLC d/b/a The Indianapolis Star; and American Broadcasting Companies, Inc. d/b/a ABC News.

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO.08C01-2210-MR-000001
	)	
STATE OF INDIANA	)	
	)	
v.	)	
	)	
RICHARD M ALLEN	)	

ORDER

Comes now the Court, having reviewed Defendant's Verified Motion for Change of Venue from the County filed in the matter, and hereby orders that a hearing shall be scheduled for _____

Date: _____

_____
Honorable Special Judge,
Carroll Circuit Court

Distribution:
Carroll County Prosecutor's Office
BALDWIN PERRY & KAMISH, P.C.

STATE OF INDIANA	)	IN THE CARROLL COUNTY CIRCUIT COURT
	) SS:	
COUNTY OF MARION	)	CAUSE NO. 08C01-2210-MR-000001

STATE OF INDIANA	)
	)
Plaintiff,	)
	)
v.	)
	)
RICHARD M. ALLEN,	)
	)
Defendant.	)

ORDER GRANTING MEDIA INTERVENORS' RENEWED MOTION TO INTERVENE AND MOTION TO GRANT PUBLIC ACCESS TO THE STATE'S VERIFIED REQUEST TO PROHIBIT PUBLIC ACCESS

The matter before the Court is the Renewed Motion to Intervene and Motion to Grant Public Access to the State's Verified Request to Prohibit Public Access filed by the Media Intervenors (the "Motion").[1] The Court, having considered both Motions and being duly advised, finds that the Motions should be GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT the Media Intervenors are granted leave to intervene, and the State's Verified Request to Prohibit Public Access filed on October 28, 2022 shall be released to the public. The Clerk is directed to make the Verified Request available to the public on the docket.

Dated: _____

_____
Frances C. Gull, Special Judge
Carroll Circuit Court

Distribution: All counsel of record.

[1] The "Media Intervenors" refer to the following entities collectively: Indiana Broadcasters Association, Inc.; Hoosier State Press Association, Inc.; The Associated Press; Circle City Broadcasting I, LLC d/b/a WISH-TV; E.W. Scripps Company d/b/a WRTV; Nexstar Media Inc. d/b/a WXIN/WTTV; Neuhoff Media Lafayette, LLC; Woof Boom Radio LLC; TEGNA Inc. d/b/a WTHR; Gannett Satellite Information Network, LLC d/b/a The Indianapolis Star; and American Broadcasting Companies, Inc. d/b/a ABC News.

Filed: 6/8/2023 4:47 PM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA	)	IN THE CIRCUIT COURT
	) SS:	
CARROLL COUNTY	)	OF CARROLL COUNTY
STATE OF INDIANA	)	
	)	
V.	)	CAUSE NO. 08C01-2210-MR-1
	)	
RICHARD ALLEN	)	

VERIFIED REQUEST FOR ACCESS TO
COURT RECORDS EXCLUDED FROM PUBLIC ACCESS

Comes now Intervenor MYSTERY SHEET LLC doing business as MURDER SHEET, by counsel Kevin Greenlee, and respectfully requests access to court records excluded from public access pursuant to Ind. Access to Court Records Rule 9(B). In support of this Request, Intervenor provides the following:

1. On April 28, 2023, a letter was filed with the Court. As of the dating of this filing, this letter remains confidential.
2. Thereafter, on May 17, 2023, the Defendant filed its Verified Motion for Temporary Restraining Order and Preliminary Injunction. From the Chronological Case Summary, it appears this Motion was filed without an Access to Court Records (ACR) Form identifying the specific grounds for exclusion. *See* A.C.R. 5(B). Nevertheless, this Motion remains confidential.
3. Afterward, on May 19, 2023, the State filed its Notice of Discovery with the Defendant filing its Motion to Suppress and Motion to Convert Let Bail Hearing into Suppression Hearing. From the Chronological Case Summary, it appears these documents were filed without an Access to Court Records (ACR) Form identifying the specific grounds for exclusion. *See* A.C.R. 5(B). However, these documents also remain confidential.
4. Intervenor seeks access to the letter filed on April 28, 2023; the Verified Motion for Temporary Restraining Order and Preliminary Injunction; Notice of Discovery; Motion to Suppression; and, Motion to Convert Let Bail Hearing into Suppression Hearing as the records should not be excluded for Public Access under A.C.R. 5(A), (B), (C), (D), or (E). *See* A.C.R. 9(B)(1)(e).

a. From the Chronological Case Summary, it appears A.C.R. 5(A), (C), (D) and (E) are inapplicable. Likewise, A.C.R. 5(B) is inapplicable as an ACR Form was not filed with the records Intervenor requests access to.

b. Additionally, these records were not subjected to exclusion pursuant to A.C.R. 6. Similarly, these records were not subjected to seal pursuant to Ind. Code § 5-14-3-5.5.

c. Moreover, pursuant to A.C.R. 9(B)(1), this request is verified and reduced to writing.

d. Finally, the objective of these rules is to "provide maximum public accessibility to [c]ourt [r]ecords[.]" A.C.R. 1, Commentary. In fact, the rules start "from the presumption of open Public Access to Court Records." *Id*.

WHEREFORE, Intervenor respectfully requests access to court records excluded from public access pursuant to Ind. Access to Court Records Rule 9(B)

Respectfully submitted,

/s/Kevin Greenlee
Kevin Greenlee 22983-03
9783 E 116th Street #141
Fishers, IN 46037
kevingreenlee@gmail.com

VERIFICATION

I affirm, under the penalties for perjury, the foregoing information is true and correct to the best of my knowledge.

Respectfully submitted,

/s/ Kevin Greenlee
Kevin Greenlee 22983-03
9783 E 116th Street #141
Fishers, IN 46037
kevingreenlee@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on the State of Indiana, by eService, on the date of filing.

/s/Kevin Greenlee
Kevin Greenlee 22983-03

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

STATE'S RESPONSE TO DEFENSE'S EMERGENCY MOTION TO MODIFY SAFEKEEPING ORDER

Now comes the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, and respectfully files its response to the Defendant's Emergency Motion to Modify Safekeeping Order and would ask the Court to consider the following:

1. That charges were filed against the Defendant, Richard Allen, on October 28th, 2022, for 2 counts of Murder, in violation of I.C. 35-42-1-1(2).
2. That the Carroll County Sheriff's Department filed a Request by the Sheriff of Carroll County, Indiana to Transfer Inmate from the Custody of the Sheriff to the Custody of the Indiana Department or Corrections for Safekeeping on November 3rd, 2022.
3. That said request was granted and the Defendant was ordered to the safekeeping of the Indiana Department of Corrections.
4. That the Defendant is currently incarcerated in the Westville Correctional Facility, where he is housed in the segregation unit for his protection.
5. That the Defendant is being seen on a regular basis by medical personnel and mental health providers.
6. That the Defendant is being treated the same as other detainees at the facility. In fact, he has more amenities than other convicted inmates in that unit.
7. That the allegations in the Defendant's motion, while colorful and dramatic, are not entirely correct.
8. That the State had a meeting with the Warden of Westville Correctional Facility, John Galipeau, on April 6th, 2023 and the allegations in the motion by the Defense

are false, as evidenced by the attached affidavit marked as State's Exhibit "1".

9. That the Defendant is afforded the same amount of rec time as the other inmates and has been using that rec time to exercise.

10. That it is true that the Defense dropped off paperwork for the Defendant to review and the facility did hang on to the paperwork until they heard from the Defense attorneys as to how the paperwork should be handled.

11. That representatives from the facility attempted to contact Defense counsel for several days in a row to determine if the paperwork should be given to the Defendant in his cell or the Defendant should be brought to a different location to review the paperwork.

12. That the Defendant is isolated for his protection and would be isolated if he were moved to another facility.

13. That the State, through investigators, has made contact with the Cass County Sheriff and he would state the following:

    a. That he is willing to house the Defendant in the Cass County Jail.

    b. That if the Defendant is moved to the Cass County Jail, he will be housed in the segregated unit in a 7 X 12 cell, with a roll matt and 2 bunks.

    c. That the Defendant is likely to be on suicide watch which means he will not be allowed face to face visits or any rec time. That he will be confined to his cell at all times.

    d. That if he is not on suicide watch, he will only have video visits and limited rec time.

    e. That the Defendant will have the same amenities as he has now in the Department of Corrections.

    f. That the Cass County Jail does not have a mental health team to address any mental health needs.

    g. That the Cass County Sheriff's Department is not willing to transport the Defendant for trial or for other hearings.

14. That the Carroll County Sheriff's Department does not have the manpower to transport the Defendant.

15. That the Carroll County Jail does not have mental health counselors or

counseling, whereas the Department of Corrections has those resources available for the well being of the Defendant.

16. That the State believes that the current status of Defendant's mental health is due to the status of the case, not due to the location of his incarceration.

17. That the photo taken by Defense was taken immediately after the Defendant returned from his rec time. The shirt he is wearing in the photo is the same shirt that he wears to rec time each time he goes. He had clean shirts in his cell at the time of the photo, but Defense chose to photograph him in his dirty shirt in order to curry sympathy in the public eye for the Defendant.

18. That the Defendant has lost weight since he has been incarcerated, but he has been evaluated and examined by medical personnel at the facility and his BMI is on target for a man his age at his weight and medical staff classify him as very healthy.

19. That the facility that the Defendant is placed in is not casually referred to as "death row".

20. That the Defendant is in no way being treated less fairly than anyone else in that facility. He certainly is not being treated less fairly than a convicted person in that facility.

21. That the colorful, dramatic language used by the Defense was an attempt to curry public favor for their client and try this matter in the public instead of in the courtroom.

22. That many of the statements in Defense's motion violate the "gag" Order put in place by the Court.

23. That the State has no opinion on where the Defendant should be housed awaiting trial, but the State does take offense to the irresponsible allegations of the Defense in their motion.

24. That the State has no objection to the Defendant being moved to a facility within the Department of Corrections that is better suited to address his mental health needs.

25. That the Defendant's current placement at Westville Correctional Facility is not a violation of his civil liberties.

26. That the Carroll County Sheriff's Department declined the request of Defense to move the Defendant because the Carroll County Sheriff's Department does not have the manpower to transport the Defendant.

27. That the Department of Corrections is more equipped to transport the Defendant back and forth to court dates in order to keep the Defendant safe and ensure that he makes it to all future hearings.

28. That the State has been made aware that the Defendant is being evaluated at 10:00 A.M. on April 14th, 2023 to assess his mental health needs and the State believes it is important to see the result of that testing before a decision is made.

Wherefore, now comes the State of Indiana, by Prosecuting Attorney, Nicholas C McLeland, and files their response to the Defendant's Emergency Motion to Modify Safekeeping Order and would ask the court to consider the same when making it's decision and for all other just and proper relief in the premises.

Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the Defendant's attorney of record, through personally delivery, ordinary mail with proper postage affixed or by service through the efiling system and filed with Carroll Circuit Court, this __14th _ day of April, 2023.

Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

AFFIDAVIT

John Galipeau, the acting Warden of Westville Correctional Facility, which is part of the Indiana Department of Corrections, affirms and swears to the following:

1. That the Defendant, Richard Allen, is housed in the Westville Correctional Facility in the segregation unit.
2. That the Defendant is housed in that unit for his protection.
3. That the cell that the Defendant is housed in is a 12 X 8 cell which is the standard size cell in that facility.
4. That the Defendant has a bed with a mattress and the mattress is the same mattress that all the inmates receive at that facility.
5. That there is a bed frame but that it is attached to the floor in order to protect the Defendant from harming himself.
6. That the Defendant is in that type of cell for his protection and because he has made suicidal statements and could attempt to harm himself.
7. That the Defendant is offered time to shower 3 times a week, which is the same amount as all the other inmates in that facility.
8. That the Defendant is provided with 3 sets of clothing per week, which is the same as all the other inmates in that facility.
9. That the Defendant has been afforded commissary privileges and has extra shirts and shoes in his cell that he is not wearing.
10. That the Defendant is not required to wear the same clothes, and underwear for days and days on end that are soiled, stained, tattered and torn.
11. That the Defendant has equal access to clean clothing just like all the other inmates in that facility.
12. That the Defendant was afforded the use of an electronic tablet where he can make calls, send texts and download music, which is an amenity that the other inmates do not have, and he broke it.
13. That the Defendant is afforded the same recreation time as all the other inmates in that facility, which is Monday, Wednesday, Friday, Saturday and Sunday.
14. That the Defendant is regularly seen by medical personal and mental health counselors to assess his health and well-being.
15. That the Defendant is not afforded face to face visitations due to being in the segregation unit.

I swear, under penalty of perjury, as specified by IC 35-44-2-1, that the foregoing representations are true and accurate to the best of my knowledge.

Signed: _____
John Galipeau, Warden
Westville Correctional Facility

In the
Indiana Supreme Court

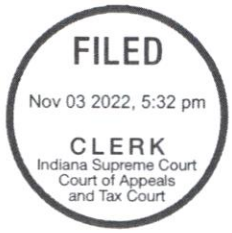
STATE OF INDIANA

vs.

RICHARD M. ALLEN

Supreme Court Case No.
22S-SJ-369

Trial Court Case No.
08C01-2210-MR-1



Order Appointing Special Judge

The Honorable Benjamin A. Diener, Judge of the Carroll Circuit Court, on his own motion, recuses himself and certifies this matter to the Court for appointment of a special judge.

And this Court, being duly advised, now finds that a special judge should be appointed to hear this matter in the Carroll Circuit Court pursuant to Indiana Criminal Procedure Rule 13(D).

IT IS, THEREFORE, FURTHER ORDERED that the Honorable Frances C. Gull, is appointed as special judge to hear this matter in the Carroll Circuit Court. This order vests jurisdiction in Judge Gull. Pursuant to Indiana Criminal Procedure Rule 13(E), an oath of office is not required.

Done at Indianapolis, Indiana, on 11/3/2022.

Loretta H. Rush
Chief Justice of Indiana

ENTERED
NOV 04 2022
CARROLL CIRCUIT COURT

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

STATE'S RESPONSE TO SUPPLEMENTAL MOTION FOR DISCOVERY AND REQUEST FOR RULE 404 AND 405 EVIDENCE

Now comes the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, and respectfully files it's response to the Defendant's Supplemental Motion for Discovery and Request for Rule 404 and 405 Evidence. The State's responses to the numbered requests are as follows:

1. Discovery is automatic per the Carroll County Local Rules and this information will be forwarded to the defense as part of discovery.
2. This information will be forwarded to the Defense as part of discovery per local rule.
3. This information will be forwarded to the Defense as part of discovery per local rule.
4. This information will be forwarded to the Defense as part of discovery per local rule.
5. This information will be forwarded to the Defense as part of discovery per local rule.
6. At this time no promises have been made by the State to any witnesses.
7. This information will be forwarded to the Defense as part of discovery per local rule.
8. There was not a grand jury held in relation to this matter.
9. Any statements made by witnesses and/or the Defendant will be forwarded to the Defense as part of discovery per local rule. The State does not intend to draft a summary of those statements or give the Defense a summary of the State's

opinions or thoughts about those statements. Those statements will be provided to the Defense in their entirety. The Defense seems to be asking the State to do their work for them and formulate a defense for them. The State objects to the Defense's requests that the State draft a separate summary of those statements.

10. Any telephone calls made by the Defendant will be turned over to the Defense as part of discovery per local rule. The State objects to drafting a memorandum of the conversation. Again, the State incorporates the response to Number 9 into this response. If there are transcripts of the phone calls, the State will produce those as part of discovery per the local rule.
11. This information will be forwarded to the Defense as part of discovery per local rule.
12. This information will be forwarded to the Defense as part of discovery per local rule.
13. The State objects to providing criminal records for the Defenses witness lists, in that the State does not even know who is going to be on their witness list. If the Defense requests criminal records of specific people, the State is happy to assist in gathering those records.
14. This information will be forwarded to the Defense as part of discovery per local rule.
15. This information will be forwarded to the Defense as part of discovery per local rule.
16. This information will be forwarded to the Defense as part of discovery per local rule.
17. The State objects to said request by the Defense. Any information that the State has pertaining to the case will be forwarded to the Defense as part of discovery, both exculpatory and inculpatory. A memorandum explaining those is outside the scope of discovery. The Defendant's request is essentially an interrogatory asking the State to divulge its legal analysis or impressions of the case and assist the Defense in assembling its evidence, which is barred by *State ex rel. Grammer v. Tippecanoe Circuit Court*, 377 N.E.2d 1359, 1364-65 (Ind. 1978).
18. This information will be forwarded to the Defense as part of discovery per local

rule.

19. This information will be forwarded to the Defense as part of discovery per local rule.

20. This information will be forwarded to the Defense as part of discovery per local rule.

21. The State objects to this request by the Defense. TR 34 states that a request for production has to be for items in the possession, custody or control of the party upon whom the request is served. TR 26(B)(1) goes on to state that the Court can limit discovery if the information is obtainable from some other source that is more convenient, less burdensome or less expensive. The State of Indiana is not in possession of the information that the Defense is requesting, nor was the State a party to any lawsuits filed against the Carroll County Sheriff's Department, Tobe Leazenby, Tony Liggett or Michael Thomas. To impose of the State to have to track all these items down is unreasonably burdensome. In addition, it is the State's belief that this request goes beyond the scope of discovery. There is no reason that the State is aware of where this information would be relevant in any way to the investigation or prosecution of the Defendant.

22. The State objects to this request. Please incorporate the State's response in number 21 to this response.

23. The State objects to this request. Please incorporate the State's response in number 21 to this response.

24. This information will be forwarded to the Defense as part of discovery per local rule.

25. This information will be forwarded to the Defense as part of discovery per local rule.

26. State objects to said request. If the State choses to use any evidence that would fall under Indiana Rules of Evidence Rule 404(b), the State will file notice with the Court per the rule. Further, the request by the defendant must be "reasonably understandable and sufficiently clear" to alert the prosecution that the defendant is requesting pre-trial notification. *Abdul-Musawwir v. State*, 674 N.E.2d 972, 975 (Ind. Ct. App. 1996). This request is neither reasonably understandable or

sufficiently clear. The request seems to be a blanket request for any and all evidence that may be out there for the Defendant and any defense witnesses, which they have yet to name. Nor has the Defense asserted any kind of affirmative defense to put the State on notice that character evidence may be at issue.

27. State objects to said request. Please incorporate the State's response in number 26 to this response.

28. The State objects to this request. Per Indiana Rule of Evidence Rule 405, the defense must first notify the State that they intend to introduce admissible character evidence and what that evidence is going to be before the State is obligated to disclose what character evidence will be used on behalf of the State. The Defense has yet to provide any kind of pretrial notice to the State to require a response.

29. The State objects to this request. Any information produced by the State would be considered work product and exempt from discovery.

Wherefore, now comes the State of Indiana, by Prosecuting Attorney, Nicholas C McLeland, and files their response to the Defendant's request and ask the Court to take no action in part and then deny in part the request from the Defense and for all other just and proper relief in the premises.

Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the Defendant's attorney of record, through personally delivery, ordinary mail with proper postage affixed or by service through the efiling system and filed with Carroll Circuit Court, this __12th _ day of January, 2023.

Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)ss:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001
STATE OF INDIANA	)	
	)	
vs.	)	
	)	
RICHARD M. ALLEN	)	

STIPULATION REGARDING DEFENDANT'S VERIFIED MOTION FOR CHANGE OF VENUE FROM THE COUNTY

Comes now the State of Indiana, by Prosecutor, Nicholas C. McLeland, the Defendant, Richard Allen, by Attorneys, Bradley A. Rozzi and Andrew J. Baldwin, and the parties having reached a partial agreement on Defendant's Verified Motion for Change of Venue from the County file-marked November 28, 2022, now agree and stipulate as follows:

1. On November 28, 2022, Defendant Allen filed his Verified Motion for Change of Venue from the County. Said Motion was set for hearing on Friday, January 13, 2023;

2. On Friday, January 13, 2023, the parties convened, in chambers, and reached a partial agreement on said Motion;

3. The parties stipulated that Defendant's request for change of venue would be denied and that all further Court proceedings, not involving the jury selection process, would take place in the County of Carroll, State of Indiana, unless otherwise ordered by the Court;

4. Pursuant to I.C. 35-36-6-11(a), the parties further agree that the jury venire shall be drawn from either St. Joseph County, Indiana or Allen County, Indiana, with the understanding that both parties acquiesce in the Court exercising its discretion in selecting one of the two referenced counties from which the jury venire shall be drawn and within which the jury shall be selected; and

5. Upon the Court issuing an Order regarding the same, the parties shall be bound thereto until further order of the Court.

Nicholas C. McLeland
Prosecutor, Carroll County

Bradley A. Rozzi, #23165-09
Counsel for Defendant

Andrew J. Baldwin, #17851-41
Counsel for Defendant

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

SUBPOENA DUCES TECUM

TO: Westville Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391

FILED
APR 20 2023
Sharon E. Mieburn
CLERK CARROLL CIRCUIT COURT

RE: Richard Allen

Now comes the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, pursuant to Rule 2 of the Indiana Trial Rules of Trial of Criminal Procedure, requests that the following documents and records be produced for the Carroll County Prosecuting Attorney Nicholas C. McLeland, at 101 West Main Street, Suite 204, Delphi, Indiana 46923, within thirty (30) days from the date of service of this Request for Production of Documents and Records to a Non-Party. You may comply by mailing a copy of the requested documents to the Prosecutor's office post-marked prior to the date on which production is required by the Indiana Rules of Trial Procedure.

DEFINITIONS

As used in this request, the term "document" encompasses the full scope of that term as it is used in Trial Rule 34, including, without limitations, all writings, papers, photographs, videos, and other recordings and communications of any kind, whether printed, electronically recorded, filmed, or recorded or produced manually or by other process. The term "document" includes all margin

comments, handwritten notes, date of receipt stamps and notations of any kind appearing on any document. The term "document" includes all files and data stored on computer disks or hard drives, all files and data stored on any computer databases.

For each document produced, identify the corresponding request. If you claim any information sought herein is privileged in whole or in part, object to any form of any request or believe that any document would be excluded from production to the State, regardless of its relevance, state the reason(s) for said objection or ground of exclusion. Identify with particularity each document for which you claim a privilege including the date of the document, the person who prepared the document, the person to whom the document was directed, the substance of the document and the reason you believe the document is privileged.

INSTRUCTIONS

This Request for Production of Documents and Records to a Non-Party is made pursuant to Rule 2 of the Indiana Rules of Criminal Procedure. In accordance with that Rule:

1. You are entitled to reimbursement for costs resulting from your response to this Request for Production of Documents and Records to Non-Party. If there are costs associated with production of these documents, please let me office know and we will reimburse for those costs.
2. You are entitled to security against damages, or payment of damages, which may result from this request, and you may respond to this Request for Production of Documents to a Non-Party by submitting to its terms, or by proposing different terms, or by objecting specifically or generally to the Request by serving a written response to the Prosecuting Attorney, Nicholas C. McLeland, within thirty (30) days from the receipt of the Request for Production of Documents and Records to a Non-

Party, or by moving to Quash this Request for Production of Documents and Records to a Non-Party, as permitted by Rule 2 of the Indiana Rules of Criminal Procedure.

3. The failure to respond to this Request for Production of Documents and Records to a Non- Party, to object to it, or to move to quash it, as provided by the applicable Indiana Rules of Criminal Procedure or Order of the Court, within thirty (30) days from the date of service, will subject you to a Motion for Sanctions pursuant to Rule 2 of the Indiana Rules of Criminal Procedure.

4. You are required to keep this subpoena and the information contained therein confidential. This subpoena and the information listed herein is not to be released to the public and should be kept confidential. Any release of this information will be in direct violation of a Court Order.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any mental health records that you may have concerning Richard M. Allen, including all records from any physician that has evaluated or examined Richard M. Allen from the beginning of his stay at Westville Correctional Facility, on or about November 3rd, 2022 until present.

2. The results of any mental health evaluation and/or exams performed on Richard M. Allen while he has been incarcerated at Westville Correctional Facility, on or about November 3rd, 2022 until present.

3. Any other documents, records, notes, videos and/or writings that the facility may have pertaining to Richard M. Allen mental health during his time of incarceration at Westville Correctional Facility, on or about November 3rd, 2022 ,

until present.

Submitted under my hand as counsel of record, pursuant to T.R. 2, on this 20TH day of April, 2023.

Respectfully submitted,

Nicholas C. McLeland, #28300-08
Carroll County Prosecutor
101 W. Main Street
Delphi, IN 46923
(765) 564-4514

CERTIFICATE OF SERVICE

I hereby certify that service of a true and complete copy of the above and foregoing pleading or paper was made upon the following parties and filed with the Carroll Circuit Court by depositing the same in the United States mail in an envelope properly addressed and with sufficient postage affixed this 20TH day of April, 2023.

Westville Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391

Nicholas C. McLeland
Carroll County Prosecutor
28300-08

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

SUBPOENA DUCES TECUM

TO: Westville Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391

FILED
APR 20 2023
Sharon E. Mieburn
CLERK CARROLL CIRCUIT COURT

RE: Richard Allen

Now comes the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, pursuant to Rule 2 of the Indiana Trial Rules of Trial of Criminal Procedure, requests that the following documents and records be produced for the Carroll County Prosecuting Attorney Nicholas C. McLeland, at 101 West Main Street, Suite 204, Delphi, Indiana 46923, within thirty (30) days from the date of service of this Request for Production of Documents and Records to a Non-Party. You may comply by mailing a copy of the requested documents to the Prosecutor's office post-marked prior to the date on which production is required by the Indiana Rules of Trial Procedure.

DEFINITIONS

As used in this request, the term "document" encompasses the full scope of that term as it is used in Trial Rule 34, including, without limitations, all writings, papers, photographs, videos, and other recordings and communications of any kind, whether printed, electronically recorded, filmed, or recorded or produced manually or by other process. The term "document" includes all margin

comments, handwritten notes, date of receipt stamps and notations of any kind appearing on any document. The term "document" includes all files and data stored on computer disks or hard drives, all files and data stored on any computer databases.

For each document produced, identify the corresponding request. If you claim any information sought herein is privileged in whole or in part, object to any form of any request or believe that any document would be excluded from production to the State, regardless of its relevance, state the reason(s) for said objection or ground of exclusion. Identify with particularity each document for which you claim a privilege including the date of the document, the person who prepared the document, the person to whom the document was directed, the substance of the document and the reason you believe the document is privileged.

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Party, or by moving to Quash this Request for Production of Documents and Records to a Non-Party, as permitted by Rule 2 of the Indiana Rules of Criminal Procedure.

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4. You are required to keep this subpoena and the information contained therein confidential. This subpoena and the information listed herein is not to be released to the public and should be kept confidential. Any release of this information will be in direct violation of a Court Order.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any medical documents that you may have concerning Richard M. Allen, including all records from any physician that has evaluated or examined Richard M. Allen from the beginning of his stay at Westville Correctional Facility, on or about November 3rd, 2022 until present.

2. The results of any medical evaluation performed on Richard M. Allen while he has been incarcerated at Westville Correctional Facility, on or about November 3rd, 2022 until present.

3. Any other documents, records, notes, videos and/or writings that the facility may have pertaining to Richard M. Allen medical health during his time of incarceration at Westville Correctional Facility, on or about November 3rd, 2022 ,

until present.

Submitted under my hand as counsel of record, pursuant to T.R. 2, on this 20TH day of April, 2023.

Respectfully submitted,

Nicholas C. McLeland, #28300-08
Carroll County Prosecutor
101 W. Main Street
Delphi, IN 46923
(765) 564-4514

CERTIFICATE OF SERVICE

I hereby certify that service of a true and complete copy of the above and foregoing pleading or paper was made upon the following parties and filed with the Carroll Circuit Court by depositing the same in the United States mail in an envelope properly addressed and with sufficient postage affixed this 20TH day of April, 2023.

Westville Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391

Nicholas C. McLeland
Carroll County Prosecutor
28300-08

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

SUBPOENA DUCES TECUM

FILED
APR 20 2023
Sharon E Mieburn
CLERK CARROLL CIRCUIT COURT

TO: CVS Headquarters
Attn: Records Department
One CVS Drive
Woonsocket, RI 02895

RE: Richard Allen

Now comes the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, pursuant to Rule 2 of the Indiana Trial Rules of Trial of Criminal Procedure, requests that the following documents and records be produced for the Carroll County Prosecuting Attorney Nicholas C. McLeland, at 101 West Main Street, Suite 204, Delphi, Indiana 46923, within thirty (30) days from the date of service of this Request for Production of Documents and Records to a Non-Party. You may comply by mailing a copy of the requested documents to the Prosecutor's office post-marked prior to the date on which production is required by the Indiana Rules of Trial Procedure.

DEFINITIONS

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For each document produced, identify the corresponding request. If you claim any information sought herein is privileged in whole or in part, object to any form of any request or believe that any document would be excluded from production to the State, regardless of its relevance, state the reason(s) for said objection or ground of exclusion. Identify with particularity each document for which you claim a privilege including the date of the document, the person who prepared the document, the person to whom the document was directed, the substance of the document and the reason you believe the document is privileged.

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4. You are required to keep this subpoena and the information contained therein confidential. This subpoena and the information listed herein is not to be released to the public and should be kept confidential. Any release of this information will be in direct violation of a Court Order.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. The work records for Richard Allen.
2. Please provide copies of all work records for Richard Allen, including attendance records for those days.
3. Personal files for Richard Allen

Submitted under my hand as counsel of record, pursuant to T.R. 2, on this 20TH day of April, 2023.

Respectfully submitted,

Nic C Mcl

Nicholas C. McLeland, #28300-08
Carroll County Prosecutor
101 W. Main Street
Delphi, IN 46923
(765) 564-4514

CERTIFICATE OF SERVICE

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CVS Headquarters
Attn: Records Department
One CVS Drive
Woonsocket, RI 02895

Nicholas C. McLeland
Carroll County Prosecutor
28300-08

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

SUBPOENA DUCES TECUM

TO: Westville Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391

FILED
APR 20 2023
Sharon E. Mieburn
CLERK CARROLL CIRCUIT COURT

RE: Richard Allen

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4. You are required to keep this subpoena and the information contained therein confidential. This subpoena and the information listed herein is not to be released to the public and should be kept confidential. Any release of this information will be in direct violation of a Court Order.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any and all audio/video recordings of Richard M. Allen while he is in his cell or being moved from his cell to a recreational area for the time period of his incarceration at Westville Correctional Facility.

2. Any notes from any guards, inmates or other Westville personnel that have made written observations of Richard M. Allen, either while he is in his cell or when he is being moved from one place to another for the time period of his incarceration at Westville Correctional Facility.

3. Recordings of any interviews done with Richard M. Allen by anyone at the facility while he has been incarcerated at Westville Correctional Facility.

4. Copies of any recorded phone calls, outside of phone calls made to his attorneys,

while he was incarcerated in the facility.

5. Any written requests made by Richard M. Allen while he was at Westville Correctional Facility.

6. Any other documents, records, notes, videos and/or writings that the facility may have pertaining to Richard M. Allen for his incarceration at that facility.

Submitted under my hand as counsel of record, pursuant to T.R. 2, on this 20TH day of April, 2023.

Respectfully submitted,

Nicholas C. McLeland, #28300-08
Carroll County Prosecutor
101 W. Main Street
Delphi, IN 46923
(765) 564-4514

CERTIFICATE OF SERVICE

I hereby certify that service of a true and complete copy of the above and foregoing pleading or paper was made upon the following parties and filed with the Carroll Circuit Court by depositing the same in the United States mail in an envelope properly addressed and with sufficient postage affixed this 20TH day of April, 2023.

Westville Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391

Nicholas C. McLeland
Carroll County Prosecutor
28300-08

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

SUBPOENA DUCES TECUM

TO: CVS Headquarters
Attn: Records Department
One CVS Drive
Woonsocket, RI 02895

Pursuant to Rule 2 of the Indiana Rules of Criminal Procedure, you are hereby directed to produce the following to counsel for the Carroll County Prosecutor, Nicholas C. McLeland, at 101 West Main Street, Suite 204, Delphi, Indiana 46923 within thirty (30) days of receipt:

1. All documents requested in the accompanying Request for Production of Documents to a Non-Party.

2. An executed Affidavit of Custodian or Records (enclosed).

Submitted under my hand as counsel of record, pursuant to T.R. 2, on this 30TH day of April, 2023.

Respectfully submitted,

Nicholas C. McLeland, #28300-08
Carroll County Prosecutor

The Court finds that the requirements of Omar v. State of Indiana are met and the Request for Leave is Approved this 3 day of ~~April~~ May, 2023.

Frances Gull, Special Judge
Carroll Circuit Court

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	) SS:	
COUNTY OF CARROLL	)	
STATE OF INDIANA	)	CAUSE NUMBER: 08C01-2210-MR-00001
	)	
VS.	)	
	)	
RICHARD M. ALLEN	)	

SUBPOENA DUCES TECUM

TO: Westville Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391

Pursuant to Rule 2 of the Indiana Rules of Criminal Procedure, you are hereby directed to produce the following to counsel for the Carroll County Prosecutor, Nicholas C. McLeland, at 101 West Main Street, Suite 204, Delphi, Indiana 46923 within thirty (30) days of receipt:

1. All documents requested in the accompanying Request for Production of Documents to a Non-Party.

2. An executed Affidavit of Custodian or Records (enclosed).

Submitted under my hand as counsel of record, pursuant to T.R. 2, on this 20TH day of April, 2023.

Respectfully submitted,

Nicholas C. McLeland, #28300-08
Carroll County Prosecutor

The Court finds that the requirements of Omar v. State of Indiana are met and the Request for Leave is Approved this 3 day of ~~April,~~ May 2023.

Frances Gull, Special Judge
Carroll Circuit Court

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)SS:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001
	)	
STATE OF INDIANA	)	
	)	
v.	)	
	)	
RICHARD ALLEN	)	

ORDER

Comes now Accused, by counsel, having filed Motion to Suppress Fruits of Search of 1967 North Whiteman Drive, Delphi, Indiana, and the Court being duly advised in the premises, now finds that a hearing on said motion should take place on June 15th, 2023 at 8:30 a.m.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED.

Date: _____

_____
Frances C. Gull, Special Judge
Carroll Circuit Court

Distribution:
Carroll County Prosecutor's Office
BALDWIN PERRY & WILEY, P.C.

Filed: 5/19/2023 4:43 PM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL CIRCUIT COURT
	)SS:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-000001
	)	
STATE OF INDIANA	)	
	)	
v.	)	
	)	
RICHARD ALLEN	)	

MOTION TO SUPPRESS FRUITS OF SEARCH OF 1967 NORTH WHITEMAN DRIVE, DELPHI, INDIANA

Comes now the Accused, by counsel and through counsel, and pursuant to the Fourth and Fourteenth Amendments to the United States Constitution and Article 1, Section 11 of the Constitution of the State of Indiana moves to suppress all evidence obtained by the defective search warrant was issued without probable cause. In support of said motion, the Accused states:

1. The affidavit submitted in support of the search warrant failed to establish that the items to be seized were in the residence, or could be expected to be in the residence, at the time of the search.

2. The affidavit submitted in support of the search warrant failed to provide particular information that particular items related to the particular crime would be found in the Accused's home, but rather provided generic information concerning generic items that could be found in the Accused's home, or any other home, potentially, in Indiana.

3. The affidavit submitted in support of the search warrant failed to connect the generic items for which it was seeking to the actual items that were possibly used in the crime for which he is now charged.

4. The search warrant was unreasonable under both the Indiana and federal Constitution.

WHEREFORE, Accused respectfully prays the Court to schedule this motion for a hearing on June 15th, 2023 at 8:30 a.m. and thereafter grant suppression.

Respectfully submitted.

/s/ *Andrew Baldwin*
Andrew Baldwin, Atty. No.17851-41
Counsel for Defendant
BALDWIN PERRY & WILEY, P.C.
150 N. Main St.
Franklin, Indiana 46131
317-736-0053

CERTIFICATE OF SERVICE

This is to certify a copy of the foregoing pleading has been provided to all counsel of record for the opposing party, via IEFS this same day of filing.

/s/ *Andrew Baldwin*
BALDWIN PERRY & WILEY, P.C.