

and the prosecution to present their version of the facts “to the jury so it may decide where the truth lies.” *Bisard v. State*, 26 N.E.3d 1060, 1066 (Ind. Ct. App. 2015) citing *Barber v. State*, 911 N.E.2d 641, 646 (Ind. Ct. App. 2009); *Roach v. State*, 934 N.E.2d 934, 939 (Ind. 1998). Just as an accused has the right to confront the prosecution’s witnesses for the purpose of challenging their testimony, he has the right to present his own witnesses to establish a defense. This right is a fundamental element of due process of law.” *Washington v. Texas*, 388 U.S. at 19.

When the prosecution seeks to prevent an accused the opportunity to present other versions or possibilities regarding the alleged crime, either through cross-examination or his own witnesses and exhibits, they are urging the trial court to commit not only an evidentiary error but a constitutional error from which prejudice is presumed. *Hernandez v. State*, 761 N.E.2d 845, 853 (Ind. 2002) (holding that the burden switches to the State to rebut the presumption by showing that the error was harmless beyond a reasonable doubt). Similarly, exclusion of “evidence tending to show that someone other than the accused committed the charged crime” is “inconsistent with substantial justice and therefore cannot be deemed harmless error.” *Allen v. State*, 813 N.E.2d 349, 361 (Ind. Ct. App. 2004.)

Thus, the question becomes what type of evidence is so critical and unique to Mr. Allen’s defense that the U.S. and Indiana Constitutions, above and beyond the Indiana Rules of Evidence, require its admission. The Indiana Courts have answered that question by reversing cases when the excluded evidence challenged the credibility of the State’s investigation and witnesses; presented an alternative, exculpatory explanation of the State’s evidence (*Moore v. State*, 440 N.E.2d 1092 (Ind. 1982); or showed that someone else could have committed the crime (*Allen v. State*, 813 N.E.2d 349 (Ind. Ct. App. 2004)).

At the hearing on the prosecution's Motion in Limine, Mr. Allen presented evidence that the murders of Abigail Williams and Liberty German have ties to Odinism and were ritualistic. Mr. Allen also presented evidence that third parties are linked to the murders. The prosecution seeks to exclude "evidence of 3rd party motive that is not relevant and/or the probative value is outweighed by unfair prejudice, confusion of the issues or has the potential to mislead the jury in violation of Rule 401." *Motion in Limine*, ¶ 7, April 29, 2024. The prosecution further requests an order to exclude testimony or evidence concerning a. Odinism; b. Cult or ritualistic killing; c. Brad Holder; d. Patrick Westfall; e. Johnny Messer; f. Elvis Fields; g. Ned Smith; h. Rod Abrahms; i. Kegan Kline; j. Jerry Anthony Kline; k. Ron Logan. The prosecution's requests seek to limit Mr. Allen's ability to present a defense and, if granted, violate Mr. Allen's rights pursuant to the 6th and 14th Amendments to the United States Constitution and Article 1, Sections 12 and 13 of the Indiana Constitution to confront and cross examine witnesses and to present his defense.

I. Mr. Allen is entitled to present evidence pursuant to the 6th and 14th Amendments to the United States Constitution and Article 1, Section 12 and 13 of the Indiana Constitution that the crime has elements of Odinism and ritualistic killings.

The 6th and 14th Amendments of the United States Constitution and Article 1, Section 12 of the Indiana Constitution, demand that the jury hear all versions and possibilities regarding the alleged crime. *Moore v. State*, 440 N.E.2d at 1092 (holding it was a constitutional violation to prohibit defendant from introducing suicide note near body and allowing State to introduce death certificate stating homicide). The State cannot take advantage of the inculpatory conclusion but prohibit the defendant from placing the exculpatory conclusion before the jury. *Turney v. State*, 759 N.E.2d 671, 677 (Ind. Ct. App. 2001) (holding otherwise inadmissible evidence that third party previously molested victim was admissible as alternative explanation for victim's injuries).

In this case, the prosecution argues that Richard Allen, acting alone, killed Abigail Williams and Liberty German. However, the evidence from the location where the bodies were found strongly suggests that more than one person was responsible for these murders. Former Indiana State Police Detective Kevin Murphy testified that it was always the belief of law enforcement that there were between two to six people involved in the murders. If the prosecution's argument is that Richard Allen acted alone, and there are alternative theories that the murders were committed by more than one person, then who are the additional people involved in killing Abigail Williams and Liberty German? The answer is that there are third-party suspects who have not been charged and who have no ties to Richard Allen. This leads to the conclusion that Richard Allen is innocent and that other individuals, acting together, killed Abigail Williams and Liberty German.

Dr. Dawn Perlmutter, the director of Symbol Intelligence Group and adjunct professor of forensic medicine at the Philadelphia College of Osteopathic Medicine and who trains federal, state, and local law enforcement agencies, testified that the murders were committed by individuals with ties to racist Odinism (sometimes also known as Asatru). Odinism and Asatru are polytheistic ideologies involving the worship of Nordic pagan gods, including Odin and Thor. These ideologies are nature-based ideologies, and their rituals generally take place outdoors, incorporate natural elements, and are typically performed near natural bodies of water. Both ideologies incorporate the use of runes, which are marks of mysterious or magical powers. Runes take on additional magical powers when charged by blood or when two or more single runes are coupled together to create a "bind rune". Both ideologies also incorporate magical thinking. Dr. Perlmutter further testified that while Odinists have general shared symbols, such as Odin's hammer, as they splinter off and form different kindreds they often develop their own

symbols and rituals. Social media has been a large part of this development as it allows individual access to a wide range of interpretations, symbols and ideas relating to Asatru and Odinism.

Dr. Perlmutter testified that the murders of Abigail Williams and Liberty German meet all of the elements of a ritualistic killing and was a “textbook” ritualistic killing. The elements of a ritualistic killing include:

1. **The location of the crime.** Dr. Perlmutter testified that Odinism and Asatru are nature-based ideologies. These murders took place outdoors in a clearing in a wooded area near a body of water. Dr. Perlmutter testified that in Odinism and Asatru, clearings can be the location of a sacred circle where rituals and sacrifices take place. She further testified that it is important that the murders took place near a body of water as water is often used for purification prior to rituals or sacrifices.
2. **Date of death.** Dr. Perlmutter testified that often, rituals and sacrifices take place on important dates. She testified that Valis Blot is a *sacrificial* feast day honoring Odin’s son, Valis. This begins at sundown on February 13 and ends at sunup on February 14. Liberty German and Abigail Williams disappeared on February 13, 2017, and were found on February 14, 2017.
3. **Cause of Death.** Dr. Perlmutter testified that ritualistic crimes are most often committed by sharp force injury to the neck, and that slitting the throat is indicative of sacrifice and an initiation ritual. Both girls were killed in this manner. *Def.’s Ex. GG and HH, Autopsy Reports of Roland Kohr*

4. **Murder Weapon.** Dr. Perlmutter testified that ritualistic crimes are often committed with ceremonial knives. The weapon used to kill the girls was a knife. *Def.'s Ex. GG and HH, Autopsy Reports of Roland Kohr*
5. **Symbols at Crime Scene.** Dr. Perlmutter testified that in ritualistic killings, symbols, including runes, are often left at the scene. In this instance, there is what can be interpreted as a Laguz rune, painted or transferred to a tree with Liberty German's blood. This tree is located near the area where the girls' bodies were ultimately found, on the edge of the clearing. Additionally, Dr. Perlmutter testified that the sticks and branches laid on the bodies appeared deliberately and intentionally placed in particular arrangements which would have meaning to the individuals committing the crime. F.B.I. Special Agent Nikkole Robertson testified that, when she was searching the home of Ron Logan she was looking for evidence of runes and anything Nordic due to the placement of sticks on the girls' bodies. *Dep. Nikkole Robertson, p. 75.* The emails between FBI and State Police Superintendent Doug Carter all provide evidence of the belief by law enforcement that the evidence left behind at the crime scene, including sticks found on the girls, supported the possibility that the killers were Norse Paganists. *Def.'s Ex. E.*
6. **Body Disposition.** Dr. Perlmutter testified that in ritualistic killings bodies are often moved and positioned in a fashion that is not a counter forensic measure; in other words, that the bodies are moved and positioned in a manner not consistent with someone who is trying to conceal the bodies. She further testified that bodies are often positioned to include the arrangement of natural objects. In paragraph 6 of her Affidavit for Probable Cause for the Search Warrant for the home of Ron Logan

(Exhibit H to Nicole Robertson Deposition), F.B.I. Special Agent Nicole Robertson testified that it was her belief that Liberty German and Abigail William's bodies had been moved and staged. Maj. Cicero of the LaPorte County Sheriff's Department also testified at the hearing that Liberty German's body was drug around the crime scene and that Abigail William's was moved from side to side. Additionally, it is evident from the crime scene photo identified as Exhibit FF, that sticks and branches were deliberately and intentionally arranged on the bodies. Maj. Cicero testified that the sticks and branches maybe covered 3% of the girls' bodies. He further testified that there were many leaves and sticks in the areas which could have been used to conceal the bodies if that was the intent of the killers.

7. **Atypical Blood Pattern.** Finally, Ms. Perlmutter testified that there is often atypical blood patterns identified in ritualistic killings. She identified the blood pattern on Liberty German's face as an atypical blood pattern. This abnormal blood pattern on Liberty German's face was also identified by Maj. Cicero.

Mr. Allen has a constitutional right, pursuant to the 6th and 14th Amendments of the United States Constitution and Article 1, Section 12 of the Indiana Constitution to present evidence describing the area where the bodies were found, the manner in which they were found, and to provide an explanation for said descriptions. He further has the right to prevent evidence flowing therefrom: that the individuals who killed Abigail Williams and Liberty German were followers of Asatru and Odinism and that the murders were part of a ritualistic sacrifice.

- II. **The 6th and 14th Amendments to the United States Constitution and Article 1, Section 13 of the Indiana Constitution protect Mr. Allen's right to challenge the manner, quality and thoroughness of the investigation, to inquire about law enforcement's failure to consider third party suspects and to present evidence of a biased investigation.**

Mr. Allen has a fundamental right under the Due Process Clause of the 14th Amendment of the United States' Constitution, the Confrontation Clause of the 6th Amendment of the United States' Constitution and Article 1, Section 13 of the Indiana Constitution to call law enforcement officers as witnesses and to cross examine them on third party suspects as the failure to properly investigate or consider third party suspects undermines the thoroughness of their investigation. *Hyser v. State*, 996 N.E.2d 443, 449 (Ind. Ct. App 2020); *Bowlds v. State*, 834 N.E.2d 669, 676 (Ind. Ct. App. 2005); *Prewitt v. State*, 819 N.E.2d 393, 407 (Ind. Ct. App. 2014). The fact that an investigator may have discounted a viable fact or suspect makes it more probable the investigation was flawed and that Mr. Allen is innocent, thus meeting the requirements of relevancy under Indiana Rules of Evidence 401 and 402.

Mr. Allen also has a fundamental right to impeach the credibility of and present the bias of any witness, including law enforcement. "A witness's bias, prejudice, or ulterior motives are always relevant at trial in that they may discredit her or affect the weight of her testimony." *Shanholt v. State*, 448 N.E.2d 308, 316 (Ind. Ct. App. 1983); I.R.E. 616. It has been well established that law enforcement, like all humans, can suffer from confirmation bias and tunnel vision. In other words, a detective or officer may search for and interpret evidence in a manner that confirms his or her existing beliefs. *B. Culter and Prof. Keith Findley, Conviction of the Innocent: lessons from Psychological Research.* (ABA Press 2010). In this matter, Mr. Allen's evidence is that law enforcement failed to properly investigate third party suspects and failed to consider alternative theories to their timeline.

In this case, members of unified command failed to follow up on the leads and investigations of Assistant Police Chief Todd Click and Indiana State Police Detective Kevin Murphy, such as the failure to perform an extraction of Brad Holder's phone, the failure to

investigate the alibi of Patrick Westfall or Elvis Fields and the failure to seek warrants to search the homes of those individuals. Unified command did not consider any fact that did not fall into their timeline that the girls were murdered between 2:14 and 3:30 p.m. on February 13, 2017. Unified Command failed to investigate why Liberty German's cell suddenly connected to the cell phone tower at 4:33 a.m. on February 14, 2017, after not connecting to the tower from 5:44 p.m. on February 13, 2017 until 4:33 a.m. on February 14, 2017. Indiana State Police Detective Jerry Holeman testified that there was no evidence that Richard Allen returned to the location where the bodies were found after 3:30 p.m. on February 13, 2017. Something happened at 4:33 a.m. on February 14, 2017 that caused Liberty German's cell phone to suddenly connect to the cell phone tower and it is logical to believe that whatever caused the phone to connect was the result of actions taken by third-party suspects.

This evidence goes to the very heart of the thoroughness of the investigation into the deaths of Abigail Williams and Liberty German. Mr. Allen's constitutional rights require that this evidence be admitted. *U.S. Const. Amd. 6, 14; Ind. Const., Art. 1, §12, 13.*

III. The Sixth Amendment to the United States Constitution and Article 1, Sections 12 and 13 of the Indiana Constitution protect Richard Allen's right to present evidence that someone else committed the crime.

Evidence is relevant when it has any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. *I.R.E. 401*. "Evidence which tends to show that someone else omitted the crime logically makes it less probable that the defendant committed the crime, and thus meets the definition of relevance in Rule 401. *Joyner v. State*, 678 N.E. 2d 386, 389 (Ind. 1997). In order for a defendant to admit evidence that a third party is responsible for the crime, the defendant must show *some* connection between the third party and the crime. *Pelley v. State*, 901 N.E.2d

494, 505 (Ind. 2009). When the State excludes competent, reliable evidence that is central to the defendant's case, his constitutional right to present evidence is abridged. *Joyner v. State*, 678 N.E.2d 386, 390 (Ind. 1997).

Indiana courts have found the following evidence to be competent and reliable evidence central to the accused's defense that someone else did it. For instance, in *Allen v. State*, 813 N.E.2d 349 (Ind. Ct. App. 2004), the defense provided a reconstruction of the crime and testimony that another person made statements linking himself, rather than the defendant, to the murders which should have been admitted. In *Joyner v. State*, 678 N.E.2d 386 (Ind. 1997) evidence that a married man was having an affair with the victim, worked at the same place as the victim, the defendant had sexual relations with the victim the night before the murder, lied to his wife about his whereabouts, had an argument with the victim on the last day she was seen alive and had lied on his time card at work the day after the murder was admissible. In *Rohr v. State*, 866 N.E.2d 242, 247 (Ind. 2007), evidence that a prior beating of child-victim by mother, not defendant, caused victim's extensive injuries was admissible. In *Kucki v. State*, 483 N.E.2d 788, 792 (Ind. Ct. App. 1985). evidence of a newspaper article with a picture of a person wanted in connection with burglaries in the area and who resembled the defendant was admissible.

Understanding that evidence of third-party suspects is relevant, the question then turns to the standard the Court must utilize in determining whether the third-party evidence is admissible. As the Indiana Court of Appeals has stated:

To be admissible in a criminal prosecution, evidence that a third party has committed the crime with which the defendant is charged need not show substantial proof of a probability that the third person has committed the act; it need only be capable of raising a reasonable doubt of the defendant's guilt..... While a criminal defendant may present alternative perpetrator evidence at trial in order to cast doubt on the defendant's guilt, the defendant must first lay an evidentiary foundation to establish that the alternative perpetrator evidence has

an inherent tendency to connect the alternative perpetrator to the actual commission of the charged crime.

Tibbs v. State, 59 N.E.3d 1005, 1011 (Ind. Ct. App. 2016), *citing* 29 AM.JUR. 2d *Evidence* § 598 (2008).

Here, Mr. Allen's evidence of third-party suspects falls well within this category of competent, reliable evidence central to his defense that he is innocent, and that other people committed the murders. Mr. Allen's evidence has an inherent tendency to connect the third-party suspects to the commission of the crime.

Brad Holder

Brad Holder is the father of Logan Holder, who was Abigail William's boyfriend at the time of the murders. Law enforcement identified Brad Holder as a suspect by February 17, 2017, three days after the bodies were discovered. *Def.'s Ex. E, Mot. to Dismiss Hrg. July 30, 2024*. Law enforcement received several tips that Brad Holder was the man in the video found on Liberty German's cell phone, purportedly taken at the south end of the Monon High Bridge at 2:13 p.m. on February 13, 2017, and that he was involved in the murders. *Mem. In Supp. of the Accused's Mot. For Frank's Hrg., p 81-89*.

In his first interview with law enforcement on February 17, 2017, Brad Holder told officers that he had never met Abigail Williams. In his second interview with law enforcement on August 30, 2023, Brad Holder claimed that he had difficulty remembering which girl that Logan dated, despite the fact that the girl Logan dated had been involved in a high-profile murder case. In this second interview, Holder now remembered that he had supervised one date between Logan Holder and Abigail Williams. Brad Holder then told a third different story as to how many times he had met Abigail Williams when he was deposed on May 2, 2024. *Dep. Brad Holder, p. 19*. In his deposition, Brad Holder claimed he had met Abigail Williams twice, including once at third-

party suspect Pat Westfall's house. *Id.* It is also important to note that Pat Westfall never admitted to the police that Abby Williams had been to his house. *Mem. In Supp. Of the Accused's Mot. For Frank's Hrg. 99-101 and Ex. 39.*

Richard Allen has a right to have the jury consider the following about Brad Holder's second statement on August 30, 2023 and whether his second statement and his deposition nine months later (both providing different accounts of his (Holder's) interactions with Abigail Williams), tend to show that he is a third-party suspect:

1. Whether Holder lied in his first interview on February 17, 2017 to inoculate himself against being a suspect by denying having met Abigail Williams. This is inconsistent with his statement in August 2023 when he stated he had met Abigail Williams and with his deposition testimony that he met her twice.
2. The validity – or lack of validity – of Brad Holder's initial claim that he had never met Abigail Williams in his February 17, 2017 interview (three days after she was found murdered) but then somehow was able to remember six years later when interviewed on August 30, 2023 that he had in fact met Abigail Williams one time.
3. The likelihood that in 2023 Brad Holder would not know which of the murdered girls his son dated following the media coverage from this high-profile case, or whether his claim to not remember which girl his son dated was simply another attempt at Brad Holder to feign ignorance of his knowledge of Abigail Williams to throw law enforcement off his scent as a suspect.
4. The likelihood that Holder's ever-changing stories of meeting Abigail Williams, (including his last story that he met her twice, once at Pat Westfall's house) is indicative of a man who can't keep his stories straight and only changes his stories because he is unaware of law enforcement evidence of those meetings, causing Holder to step closer to the truth with every account he tells.
5. Why would Pat Westfall choose to not tell law enforcement that Abby Williams had been to his house, as Brad Holder claimed in his deposition, and does such omission show that Westfall was concerned about being connected to Abby Williams?

In the course of the investigation, law enforcement found that Brad Holder posted many pictures of runes on Facebook and discussed their symbolism and magical powers. His Facebook posts indicate he believes in the magical power of runes. *Def.'s Ex. II, KK. and LL.* Even more

revealing are Brad Holder's own words in which he admits that runes hold magical properties. *Dep. Brad Holder, 118-119.* Brad Holder liked a post describing an outdoor sacrifice with a rune painted *in human blood* on a tree. *Def.'s Ex. RR.* Brad Holder also posted a picture on Facebook depicting a scene eerily similar to that of the bodies when they were found. *Def.'s Ex. SS.* He intentionally inscribed a temporary tattoo on his hand in a pattern similar to the sticks and branches placed on Abigail Williams. *Def.'s Ex. JJ.* Even retired Indiana State Police Detective Kevin Murphy admitted that the sticks placed on Abigail Williams's body matched the temporary tattoo that Brad Holder inked on his hand just a few weeks after the girls were murdered. Furthermore, Holder painted and then posted a picture of Odin's Sacrifice in which the Norse Pagan god Odin is hanging upside down and one leg is bent in such a manner that his foot is resting against his calf. The position of Odin's legs in Brad Holder's painting is almost exactly the position in which the killer placed Abigail Williams's legs. *Def.'s Ex. NN.*

Brad Holder believes in the power of magic, and blood as it relates to magic. This is evidenced by his Facebook posts, as well as Amber Holder's testimony that Brad Holder intentionally cut his hand and allowed the blood to drip on his Odin altar. Amber Holder testified that Brad Holder took *her* hand and cut her hand to drip the blood onto the altar. Maj. Pat Cicero testified that the marking found on the tree (*Def.'s Ex. OO*) near the bodies was transferred to the tree with Liberty German's blood. Dr. Perlmutter and Maj. Cicero testified that the marking on the tree appeared to be an upside down "L". Dr. Perlmutter testified that this resembles the rune Laguz. Dr. Perlmutter testified that runes "charged by" blood carry additional importance and magical powers and that blood is the highest offering to the gods. The Norse Pagan ritual videotaped by Brad Holder in Fort Wayne clearly showed Pat Westfall using his hand to mark

the tree in some fashion, similar to the Facebook post referenced earlier which was marked with human blood and which Brad Holder “liked”.

Brad Holder testified that one of the times he met Abigail Williams took place at the home of third-party suspect Patrick Westfall. *Dep. Brad Holder, p. 20*. Amber Holder, Brad Holder’s ex-wife, testified that Brad Holder told her that Patrick Westfall and his crew murdered Abigail Williams and Liberty German. Richard Allen has a 6th and 14th Amendment right to present to the jury these facts and to argue that Brad Holder was pointing the finger at Patrick Westfall to either (a) insulate himself (Holder) as a suspect by implicating Patrick Westfall or (b) that Patrick Westfall (who had no real alibi) actually killed those girls and Brad Holder knew it and wanted someone to know in the event that he (Holder) was ever accused of the murders or (c) that Patrick Westfall, acting in concert with Brad Holder, had the girls abducted while Holder was at work, awaiting Holder’s arrival in Delphi later at which time they killed the girls. These facts and arguments, along with the knowledge that both Holder and Westfall were Norse Paganists and the belief of law enforcement and expert witnesses that the crime scene was filled with Norse Pagan elements all tend to show Brad Holder and Patrick Westfall killed Abigail Williams and Liberty German and therefore this evidence should be presented to the jury.

Consistent with the low bar required to honor a defendant’s constitutional right to present third-party suspect evidence, Amber Holder’s August 1, 2024, testimony exhibits an inference that Brad Holder and Patrick Westfall were involved in the murders. Amber Holder testified that she is Brad Holder’s ex-wife and that Brad Holder confided in her that he and Patrick Westfall had a falling out over something that happened in the woods near a river involving blood. Furthermore, Amber Holder testified that Brad Holder confided to her that Patrick Westfall and his crew killed

the girls because of Westfall's belief that Abigail William's mom was a race-traitor¹. Dr. Perlmutter also testified that individuals adhering to the white nationalist version of Odinism would kill others because of the belief that someone was a race-traitor. Furthermore, Amber testified that Brad Holder told her that Westfall wanted to move on from animal sacrifices to human sacrifices and that this was the real source of the falling out between Holder and Westfall. In his deposition, Holder denied ever making any of these statements to Amber Holder. *Dep. Brad Holder, p. 73-78*. Brad Holder's denial of uttering those statements to Amber makes Holder's statements subject to impeachment at trial.

Brad Holder's alibi is in question because of 4:33 am phone activity

Detective Jerry Holeman testified that Brad Holder had an alibi as he left work at 2:45 p.m. on February 13, 2017 and was forty minutes away from the Monon High Bridge. First Sargeant Chris Cecil of the Indiana State Police testified that the phone ultimately found under Abigail Williams' body did not receive any SMS messages from 4:06 p.m. on February 13, 2017 until 4:33 a.m. on February 14, 2017. This suggests that Liberty German's cell phone was not connected to a cell tower at that time. Law enforcement's claim is that the phone had remained under Liberty German's body from around 3:30 pm on February 13, 2017 until it was found around noon on February 14, 2017. However, cutting against that theory is the fact that a police report references Sgt. Mitchell Blocher's belief that the phone (as of around 10 pm on February 13, 2017) was either no longer in working condition or that it was out of the area. We know from Chis Cecil that the phone was in working order because it connected to the cell tower at 4:33 a.m. on February 14, 2017. Therefore, the police report supports the fact that the phone was out of the area for a period of time.

¹¹ A race-traitor is a person who supports attitudes or positions that are against the interests or well-being of their own race. www.yourdictionary.com

In further support that the phone was out of the area is the fact that from 5:44 pm on February 13, 2017 until 4:33 am on February 14th, 2017 the phone in question did not connect to the tower in spite of law enforcement's claim that the phone had never moved from under Liberty German's body from roughly 3:30 pm on February 13, 2017 until the girls were found around noon on February 14, 2017. Liberty German's phone received no SMS messages from 4:06 p.m. on February 13, 2017 until it suddenly received 15 SMS messages at 4:33 a.m. on February 14, 2017. It defies all logic that fifteen individuals suddenly sent SMS messages to Liberty German's phone at 4:33 a.m. on February 14, 2017, when she had been missing for over 14 hours. When Liberty German's phone once again connected with the tower, as Chris Cecil finally admitted during his testimony, all of those messages awaiting Liberty German's cell phone to connect to a tower, finally matriculated onto Libby's phone at 4:33 am. The simple explanation is that someone who was at the scene turned on that phone at 4:33 am., causing the phone to connect to the tower once again at 4:33 am. Jerry Holeman testified that in law enforcement's theory of events, Richard Allen never returned to the crime scene after he left at around 3:30 pm on February 13, 2017. Therefore, who could have been at the scene at 4:33 am to turn the phone on? If Abigail Williams and Liberty German were killed around 4:33 a.m. on February 14, 2017, Brad Holder's alibi for 3:30 p.m. on February 13, 2017 is meaningless, as is his alleged alibi that he was at Workout Anytime at 2:00 a.m. on February 14, 2017 (the only time he ever went to the gym at 2:00 a.m.). *Dep. Brad Holder, p. 28-29.*

These phone issues are a major problem for the prosecution's contention that Richard Allen acted alone and had left the area where the bodies were found by 3:30 p.m. on February 13, 2017 and certainly provide the minimum nexus, along with the other evidence detailed herein, required to clear the hurdle that allows third-party suspect evidence at trial.

Patrick Westfall

Brad Holder is connected with other suspects in this case. One of those suspects is Patrick Westfall. Patrick Westfall was at home near the Monon High Bridge on February 13, 2017 with his son, Nick. *Patrick Westfall interview August 27, 2023 at 11:56; Mem. In Support of the Accused's Mot. For Frank's hearing, Ex. 39.* There is no proof of Westfall's whereabouts on February 13, 2017 other than his statement. To date law enforcement has provided no concrete evidence of Westfall's whereabouts on February 13, 2023.

Brad Holder and Patrick Westfall knew each other from an Army deployment in Afghanistan. Patrick Westfall and Brad Holder practiced Asatru. *Patrick Westfall interview August 27, 2023 at 11:56-12:19.* They were members of a small kindred, which is a group of people who believe in Asatru and who gather to hold meetings and worship the gods. *Id. at 12:24.* Patrick Westfall is a priest or holy man in the Asatru religion and hosted kindreds at his home in Delphi on Sundays. *Id. at 17:37.* Brad Holder attended these meetings. *Id. at 12:19.*

Holder and Westfall attended a pagan ritual videotaped by Brad Holder in 2016 in Fort Wayne, Indiana, which was entered into evidence. Near the end of the video, Patrick Westfall appears to be marking the tree with his hand. *Def.'s Ex. PP and QQ.* Maj. Cicero testified that a tree at the crime scene was marked with the blood of Liberty German. Dr. Perlmutter testified the mark was in the form of a rune. Maj. Cicero admitted that whoever sliced Liberty German's throat could have Liberty German's blood on their hands. The forensic pathologist who conducted the autopsy admitted that upon slicing Liberty German's neck the amount of blood and the force of that blood exiting Liberty's neck upon slicing it would have been very powerful – squirting as far as 4-6 feet “no problem”. *Dep. of Dr. Roland Kohr, 97-98²* Therefore the jury

² This deposition was not included during the evidentiary presentation, and therefore is being provided via First class mail as an exhibit for this Court to consider).

could conclude that upon slicing her neck, the blood forcefully covered the killer's hand who then used that blood to mark the tree.

Patrick Westfall told police that he had sacrificed a chicken by cutting off its head. *Patrick Westfall interview, August 17, 2023, at 57:49 –58:27.* Dr. Perlmutter testified that sacrifices are almost always carried out by slitting the throat of the animal or person being sacrificed and furthermore that practitioners of these religions often begin with animal sacrifices. As mentioned earlier, Amber Holder testified that Brad Holder stated that Patrick Westfall wanted to elevate from animal sacrifice to human sacrifice. Furthermore, Patrick Westfall acknowledges that Asatru worship takes place in a clearing in the forest. *Westfall August 17, 2023, interview 44:45 -47:00.* This is consistent with Dr. Perlmutter's testimony that rituals will occur in open spaces in the forest. Both victims in this case were found in a clearing in the forest. This creates an inference that Patrick Westfall was involved in the murders of Abigail Williams and Liberty German and that they were sacrificed in an Asatru/Norse Pagan ritual.

Elvis Fields

Elvis Fields, a Rushville, Indiana resident, is a suspect in this case who was investigated by law enforcement. There is no doubt that Elvis Fields knew of the existence of Brad Holder. He admitted as much in his deposition. *Dep. Elvis Fields, p. 19-25.* Additionally, Detective Kevin Murphy testified that Brad Holder can be linked to Elvis Fields through Facebook posts and that Elvis Field's Facebook posts mimicked those of Brad Holder. *Def.'s Ex. KK, LL, MM.* Elvis Fields testified in his deposition that Brad Holder frequently mimicked his Facebook posts when he posted pictures of knives, brass knuckles, sticks in the woods and other items. *Dep. Elvis Fields at 16.* It is a logical conclusion that Brad Holder knew Elvis Fields in some manner if he was mimicking Elvis Field's Facebook posts. It would be exceedingly rare for a stranger to

follow someone's posts and even rarer to mimic them, especially when both were suspects in the murders of Abigail Williams and Liberty German.

Former Rushville Assistant Police Chief Todd Click testified that Elvis Fields was a suspect or accomplice in the murders and that he was interviewed several times by law enforcement. After one such interview in which law enforcement collected a buccal swab from Elvis Fields, Detective Kevin Murphy drove Elvis Fields home. Detective Murphy testified that after Elvis Fields got out of his car, he returned and asked Detective Murphy if his spit was found on one of the girls, but he could explain it away, would he still be in trouble. Elvis Fields lived in Rushville. He testified that he was at home in Rushville on February 13, 2017. *Dep. Elvis Fields, p. 30.* He denied ever being in Delphi. *Dep. Elvis Fields, p. 49.* If he spits on one of the girls, this places him in Delphi at or around the time of the murders. Elvis Fields' statement is admissible pursuant to I.R.E. 803(3), Then-Existing Mental, Emotional or Physical Condition. Under this rule, "a statement of the declarants then-existing state of mind (such as motive, design, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health) ... is admissible as an exception to the hearsay rule. Elvis Fields' statement is clearly indicative of a guilty state of mind and indicates he has a mental feeling of anxiousness over his conduct and possible ramifications. Additionally, Elvis Fields denied making said statement to Det. Murphy. *Dep. Elvis Fields, p. 14-15.* It is expected that Elvis will continue to deny asking the question at trial, thus making it proper impeachment evidence. This statement is also impeachment evidence contradicting Elvis Field's statement that he was never in Delphi.

Finally, Elvis Fields' question to Det. Murphy was precisely that: a question. "Hearsay" is a statement that "(1) is not made by the declarant while testifying at the trial or hearing; and (2) is offered in evidence to prove the truth of the matter asserted. I.R.E. 801(c). A "statement" is

a “person’s oral assertion, written assertion, or nonverbal conduct if the person intended it as an assertion. I.R.E. 801(a). The hearsay rule does not bar commands, requests or questions. *Pierce v. State*, 705 N.E.2d 173, 176 (Ind. 1998), citing *Bustamonte v. State*, 557 N.E.2d 1313, 1316 (Ind. 1990).

Rod Abrams is a friend of Elvis Fields. In his statement to police, Rod Abrams testified stated that, at the time of the murders, Ned Smith drove a white pickup truck (*Dep. Rod Abrams, p. 19*) and that also sometimes Elvis Fields drove a white pickup truck. Tina Garrison saw a white truck parked at the old CPS building (near the Monon High Bridge Trail) at approximately 4:20 p.m. on the day of the murders. This Tina Garrison report was tendered near the end of the day as an exhibit on August 1, 2024. Given that both Elvis Fields, and his friend Ned Smith drove white pickup trucks, this potentially places them in Delphi near the scene of the murders on February 13, 2017. Det. Kevin Murphy also testified that an analysis of Elvis Field’s cell phone records established that Elvis Fields used his phone often throughout a typical day. Strikingly, Det. Murphy testified that on February 13, 2017, Elvis did not use his phone between roughly 10:30 a.m. and 7:30 p.m.

All of the above is documented in Todd Click and Det. Kevin Murphy’s reports. Statements made in a police report are not hearsay when offered to show the simple fact that the statements were made rather than for the truth of the matter asserted.” *Hyser v. State*, 996 N.E.2d @ 448-49 (Ind. Ct. App. 2020) (holding that a report made to DCS by the accused was offered to show that it was made just days before the child, who lived with the subject of the report, accused the defendant of molestation and not for the truth of the matter, the report was not hearsay and its exclusions violated the Sixth Amendment of the United States Constitution).

I.R.E. 803(8)(i) states that investigative reports are admissible when offered by the accused in a criminal case.

Finally, the fact that Elvis's friends, Rod Abrams and Ned Smith, could not keep their stories straight concerning their whereabouts with Elvis Fields on February 13, 2017, is also important. According to Todd Click and Det. Kevin Murphy, Abrams told different stories as to his whereabouts with Elvis on February 13, 2017. In one story, Abrams claims he, Elvis Fields and Ned Smith were all in a Muncie hospital visiting a friend on February 13, 2017. In his interview in 2018, Abrams admitted having his phone with him while in Muncie on February 13, 2017. However, when pressed whether his phone's pings would verify that he was in Muncie at that time, Abrams stated that the hospital equipment would likely block his phone's location. During his deposition, Rod Abrams testified that he did not believe he even owned a phone in 2017, which is a different story than he told a few years earlier. *Dep. Rod Abrams, p. 18.*

While Abrams and Smith claim that Elvis was with them in Muncie on February 13, 2017 (*Dep. Rod Abrams, p. 20; Dep Ned Smith, p. 14*), Elvis Fields denies that he even ever left Rushville on that day. *Dep. Elvis Fields, p. 30.* Yet, again, Det. Murphy testified that Elvis Field's phone records show that the man who constantly used his phone on any given day for some reason did not use his phone between roughly 10:30 am and 7:30 am on February 13, 2017, a period of nine hours. By google maps, it is roughly a 2-hour drive from Delphi to Rushville, giving Elvis plenty of time to leave his phone in Rushville, drive (or be driven) in a white pick-up truck to Delphi to participate in the murders, and then return to Rushville. These changed and inconsistent stories related to Elvis Field's alibi, as well as to Elvis's phone activity for February 13, 2017 provide further inferences of connections between Elvis and the murders and other third-party suspects. Furthermore, while Johnny Messer admits to knowing Elvis Fields, Rod

Abrams and Ned Smith, that is not the story that Elvis Fields and Rod Abrams told to police. Both Elvis and Rod deny knowing Johnny Messer. (These points were made in documents provided to the Court, along with the notes that pointed to the specific pages or timestamps on the items) These inconsistencies and denials provide evidence that the parties can't keep their stories straight on something as basic as whether they know each other. These discrepancies could certainly be viewed by a jury as attempts by guilty parties to hide their connections in order to deceive law enforcement.

The inconsistencies and discrepancies concerning their alibis and whether they even know each other are examples of things the jury should hear concerning third-party suspects. These discrepancies, combined with Elvis Field's clear connection with Brad Holder through Facebook and Elvis's incriminating question to Murphy support Richard Allen's 6th and 14th Amendment rights to pursue these third-party party suspects.

Johnny Messer

Johnny Messer, a former Rushville resident, is also a suspect in this case who connects the Logansport/Delphi crew of Brad Holder and Patrick Westfall to the Rushville Crew of Elvis Fields, Rod Abrams and Ned Smith in Rushville. There are pictures on social media of Brad Holder, Patrick Westfall and Johnny Messer together at an Odinist gathering. That photo was admitted into evidence on August 1, 2024, and both Kevin Murphy and Todd Click testified as to the connection between Brad Holder, Patrick Westfall and Johnny Messer. Det. Murphy and Todd Click testified that Holder, Westfall and Messer were all associated with the Vinlander Social Club, (hereinafter "Vinlanders") a club for "Europeans" as explained by Patrick Westfall. Johnny Messer was a probate with the Vinlanders. *Dep. Johnny Messer, p. 19*. Det. Murphy and Todd Click testified that the Vinlanders engaged in Asatru based practices, worshiped gods such

as Odin and Thor and were Odinists. Johnny Messer confirmed that most members of the Vinlanders were into Odinism. *Id.*, p. 26. Patrick Westfall and Johnny Messer travelled to Minnesota together for a Vinlander event. *Id.*, p. 41, 65-66. Johnny Messer's uncle is Billy Messer. *Id.*, p. 13. Elvis Fields previously lived with Johnny Messer's uncle in the Rushville, Indiana area. *Id.*, p. 35.

However, one of the most important aspects of the Johnny Messere evidence is Messer's role as a recruiter in the Vinlanders. According to former Rushville Asst. Police Chief Todd Click, Messer denied recruiting members for the Vinlanders. However, Click also testified that he had interviewed multiple men who admitted that Messer had recruited them to join the Vinlanders. Messer's denial of being a recruiter for the Vinlanders, juxtaposed against Click's investigation revealing that Messer was in fact actually trying to recruit members to the Vinlanders, would indicate that Messer felt he had something to hide. What could that be? The obvious answer would be Messer was the recruiter that hooked Elvis Fields up with Brad Holder. After all, Messer knew both Holder and Fields (although Fields denied knowing Messer). The fact that Messer's former girlfriend (Taylor Hornaday) told Kevin Murphy that around Valentines in 2017 that Messer was "up there" visiting his Vinlander friends (Westfall and Holder) and that a red substance she believed was blood was found on the car he drove "up there" provides additional connectivity between all these parties and the murders and that Richard Allen has a constitutional right for the jury to hear of those connections

Kegan Kline and Jerry Anthony Kline

Kegan Kline is the son of Jerry Anthony Kline. He was twenty-two years old in February, 2017 and he and Jerry Anthony Kline resided in Peru, Indiana in February, 2017. Det. David Vito testified that Kegan Kline was communicating with Liberty German using a fake SnapChat

account under the name of anthony_shots in the days leading up to and on February 13, 2017. The content of these messages is unknown. He further testified that Kegan Kline admitted to driving to Delphi, Indiana with his father, Jerry Anthony Kline, on February 13, 2017 and that Kegan Kline waited the vehicle while Jerry Anthony Kline went to the woods in the area where the Abigail Williams and Liberty German's bodies were ultimately found. Det. David Vido testified that Kegan Kline stated that when Jerry Anthony Kline returned to the vehicle, he had blood on him. Roland Purdy further testified that Kegan Kline admitted that they discarded a knife in a river when they were driving home. All of this evidence creates an inference that Kegan Kline and Jerry Anthony Kline murdered Abigail Williams and Liberty German.

Ron Logan

The bodies of Abigail Williams and Liberty German were located on February 14, 2017, on the property of Ron Logan. *Dep. Special Agent Nikole Robertson, Ex. H.* Ron Logan lied to law enforcement about his whereabouts on February 13, 2017. *Id.* Ron Logan's physical build is consistent with that of the individual in the video captured by Liberty German's i-phone on February 13, 2017, and his voice is consistent with that of the voice on the audio. *Id.*

Much like the facts in Allen, the evidence that third parties killed the girls in this matter is exculpatory, unique and critical to Mr. Allen's defense. The crime scene included many findings that the killers practiced Asatru and that it was a ritualistic crime scene. To be exculpatory, evidence must clear or tend to clear Mr. Allen of alleged fault or guilt. *Tibbs*, 59 N.E.3d at 1013. Simply put, if someone else committed the crime(s), Richard Allen did not. Richard Allen has zero ties to Asatru, Odinism, or the Vinlanders Social Club, unlike Brad Holder, Patrick Westfall, or Johnn Messer. The above evidence is exculpatory, unique and critical to Mr. Allen's defense.

The above evidence that the State wants to hide from the finder of fact is admissible for two reasons: (1) It demonstrates the lack of investigation and failures with the investigation; and (2) The fact of a distinct possibility, if not high probability, that people other than Richard Allen killed Abigail Williams and Liberty German.

III. Richard Allen has a right to introduce evidence of motive as it is always relevant.

Evidence of motive is always relevant in a criminal prosecution. *Ross v. State*, 676 N.E.2d 339, 346 (Ind. 1996); *Davis v. State*, 186 N.E.3d 1203, 1212 (Ind. Ct. App.), transfer denied, 194 N.E.3d 600 (Ind. 2022); *D.R.C. v. State*, 908 N.E.2d 215, 223 (Ind. 2009). In the context of third-party motive evidence, an accused must show some connection between the third party and the crime before the evidence is admissible. *Tibbs*, 59 N.E.3d @ 1011, citing *Pelley v. State*, 901 N.E.2d 494, 505 (Ind. 2009). In this case, the prosecution has no proof of any connection of Mr. Allen to Abigail Williams or Liberty German, nor have they identified any motive as to why Mr. Allen would kill them. There is absolutely no evidence as to Mr. Allen's motive to commit the crime. What does exist, however, is motive on the part of Patrick Westfall, Brad Holder and others to kill Abigail Williams and Liberty German. Brad Holder knew Abigail Williams, as his son was dating her at the time of the murders, and he had supervised them on at least two (2) "dates". Patrick Westfall participated in animal sacrifices. Asatru sacrifices are carried out in order to provide the offender with power: power through runes, blood and binding runes, all of which are present at the location where the bodies were found. This provides motive for Brad Holder and Patrick Westfall to murder Abigail Williams and Liberty German as part of an Asatru/Odinist sacrifice.

WHEREFORE, for the reasons identified above, Richard Allen, by counsel, respectfully requests the Court deny the prosecution's Motion in Limine as it relates to Odinism, cult or

ritualistic killing, Brad Holder, Patrick Westfall, Johnny Messer, Elvis Fields, Ned Smith, Rod Abrahm, Kegan Kline, Anthony Kline., or Ron Logan, and for all other just and proper relief in the premises.

Respectfully Submitted,

/s/ Jennifer Auger
Jennifer Auger, #21684-41

/s/ Andrew Baldwin
Andrew Baldwin, #17851-41

/s/ Bradley Rozzi
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CERTIFICATE OF SERVICE & COMPLIANCE

I hereby certify that the foregoing document complies with the requirements of Trial Rule 5(G) with regard to information excluded from public record by administrative rule 9(G). I further certify that a copy of the foregoing has been provided to the following by IEFS on August 15, 2024: Nicholas McLeland; Stacey Diener; James David Luttrull; Bradley Rozzi; Andrew Baldwin

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