

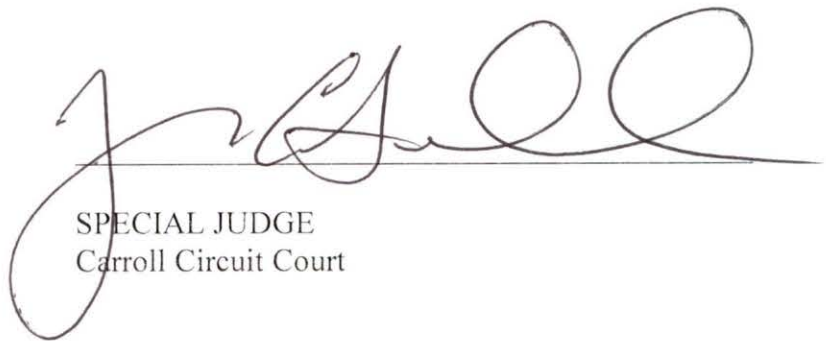
STATE OF INDIANA ) IN THE CARROLL CIRCUIT COURT  
 ) SS:  
COUNTY OF CARROLL ) FELONY DIVISION

STATE OF INDIANA, )  
 )  
Plaintiff, )  
 )  
VS. )  
 )  
RICHARD M. ALLEN, ) CAUSE NO. 08C01-2210-MR-1  
 )  
Defendant, )

INSTRUCTIONS OF COURT PURSUANT TO  
CRIMINAL RULE 8 AND JURY RULE 20 OF THE SUPREME  
COURT OF THE STATE OF INDIANA

The Jury having been sworn, and before the opening statements of counsel, the Court now of its own motion indicates the giving and reading of the following Preliminary Instructions relating (1) to the issues of trial, (2) burden of proof, (3) the credibility of witnesses, and (4) the manner weighing the testimony to be received as provided in Rule 8 of the Rules of the Supreme Court of the State of Indiana.

DATED: 10-18-2024



SPECIAL JUDGE  
Carroll Circuit Court

COURT'S INSTRUCTION NO. 1

This is a criminal case brought by the State of Indiana against Richard M. Allen. The case was commenced when informations were filed charging the Defendant with Count I, Felony Murder, a felony, Count II, Felony Murder, a felony, Count III, Murder, a felony and Count IV, Murder, a felony. Those informations omitting formal parts read as follows:

COUNT I

“On or about the February 13, 2017, in the County of Carroll, the State of Indiana, Richard M. Allen, did kill another human being, to wit: A.W., while committing or attempting to commit Kidnapping, being contrary to the form of the statute in such case made and provided.”

COUNT II

“On or about the February 13, 2017, in the County of Carroll, the State of Indiana, Richard M. Allen, did kill another human being, to wit: L.G., while committing or attempting to commit Kidnapping, being contrary to the form of the statute in such case made and provided.”

COUNT III

“On or about the February 13, 2017, in the County of Carroll, the State of Indiana, Richard M. Allen, did knowingly or intentionally kill another human being, to wit: A.W., being contrary to the form of the statute in such case made and provided.”

COUNT IV

“On or about the February 13, 2017, in the County of Carroll, the State of Indiana, Richard M. Allen, did knowingly or intentionally kill another human being, to wit: L.G., being contrary to the form of the statute in such case made and provided.”

COURT'S INSTRUCTION NO. 2

The crime of Murder is defined by law as follows:

A person who kills another human being while committing or attempting to commit Kidnapping, commits Felony Murder, a felony.

Before you may convict the Defendant, the State must prove each of the following beyond a reasonable doubt:

1. The Defendant, Richard M. Allen,
2. killed,
3. A.W.,
4. while committing or attempting to commit Kidnapping, which is defined as: A person who knowingly or intentionally removes another person by force or threat of force from one place to another.

If the State fails to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty.

If the State does prove each of these elements beyond a reasonable doubt, you may find the Defendant guilty of Count I, Felony Murder, a felony.

COURT'S INSTRUCTION NO. 3

The crime of Murder is defined by law as follows:

A person who kills another human being while committing or attempting to commit Kidnapping, commits Felony Murder, a felony.

Before you may convict the Defendant, the State must prove each of the following beyond a reasonable doubt:

1. The Defendant, Richard M. Allen,
2. killed,
3. ~~while committing~~ L.6.
4. while committing or attempting to commit Kidnapping, which is defined as: A person who knowingly or intentionally removes another person by force or threat of force from one place to another commits Kidnapping.

If the State fails to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty.

If the State does prove each of these elements beyond a reasonable doubt, you may find the Defendant guilty of Count II, Felony Murder, a felony.

COURT'S INSTRUCTION NO. 4

The crime of Murder is defined by law as follows:

A person who knowingly or intentionally kills another human being, commits Murder, a felony.

Before you may convict the Defendant, the State must prove each of the following beyond a reasonable doubt:

1. The Defendant, Richard M. Allen,
2. knowingly or intentionally,
3. killed,
4. A.W.

If the State fails to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty.

If the State does prove each of these elements beyond a reasonable doubt, you may find the Defendant guilty of Count III, Murder, a felony.

COURT'S INSTRUCTION NO. 5

The crime of Murder is defined by law as follows:

A person who knowingly or intentionally kills another human being, commits Murder, a felony.

Before you may convict the Defendant, the State must prove each of the following beyond a reasonable doubt:

1. The Defendant, Richard M. Allen,
2. knowingly or intentionally,
3. killed,
4. L.G.

If the State fails to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty.

If the State does prove each of these elements beyond a reasonable doubt, you may find the Defendant guilty of Count IV, Murder, a felony.

## PRELIMINARY INSTRUCTIONS

The defendant has entered pleas of not guilty and the burden rests upon the State of Indiana to prove to each of you, beyond a reasonable doubt, every essential element of the crime charged.

The charges which have been filed, is the formal method of bringing the Defendant to trial.

The fact that charges have been filed, the defendant arrested and brought to trial is not to be considered by you as any evidence of guilt.

Under the law of this State, a person charged with a crime is presumed to be innocent. To overcome the presumption of innocence, the State must prove the Defendant guilty of each essential element of the crime charged, beyond a reasonable doubt.

If the evidence lends itself to two reasonable interpretations, you must choose the interpretation consistent with the defendant's innocence. If there is only one reasonable interpretation, you must accept that interpretation and consider the evidence with all the other evidence in the case in making your decision.

The defendant is not required to present any evidence to prove his innocence or to prove or explain anything.

The State has the burden of proving the Defendant guilty beyond a reasonable doubt. Some of you may have served as jurors in civil cases, where you were told that it is only necessary to prove that a fact is more likely true than not true. In criminal cases, the State's proof must be more powerful than that. It must be beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the Defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt. If, based on your consideration of the evidence, you are firmly convinced that the Defendant is guilty of the crime charged, you may find (him/~~her~~) guilty.

If on the other hand, you think there is a real possibility that (he/~~she~~) is not guilty, you should give (him/~~her~~) the benefit of the doubt and find (him/~~her~~) not guilty.

The burden is upon the State to prove beyond a reasonable doubt that the Defendant is guilty of the crime(s) charged. It is a strict and heavy burden. The evidence must overcome any reasonable doubt concerning the Defendant's guilt. But it does not mean that a Defendant's guilt must be proved beyond all possible doubt.

A reasonable doubt is a fair, actual and logical doubt based upon reason and common sense. A reasonable doubt may arise either from the evidence or from a lack of evidence. Reasonable doubt exists when you are not firmly convinced of the Defendant's guilt, after you have weighed and considered all the evidence.

A Defendant must not be convicted on suspicion or speculation. It is not enough for the State to show that the Defendant is probably guilty.

The State must prove each element of the crime(s) by evidence that firmly convinces each of you and leaves no reasonable doubt. The proof must be so convincing that you can rely and act upon it in this manner of the highest importance.



You are the exclusive judges of the evidence, the credibility of the witnesses and of the weight to be given to the testimony of each of them. In considering the testimony of any witness, you may take into account his or her ability and opportunity to observe; the manner and conduct of the witness while testifying; any interest, bias or prejudice the witness may have; any relationship with other witnesses or interested parties; and the reasonableness of the testimony of the witness considered in the light of all of the evidence in the case.

You should attempt to fit the evidence to the presumption that the defendant is innocent and the theory that every witness is telling the truth. You should not disregard the testimony of any witness without a reason and without careful consideration. If you find conflicting testimony you must determine which of the witnesses you will believe and which of them you will disbelieve.

In weighing the testimony to determine what or whom you will believe, you should use your own knowledge, experience and common sense gained from day to day living. The number of witnesses who testify to a particular fact, or the quantity of evidence on a particular point need not control your determination of the truth. You should give the greatest weight to that evidence which convinces you most strongly of its truthfulness.

During the progress of the trial, certain questions may be asked and certain exhibits may be offered which the court may rule are not admissible into evidence. You must not concern yourselves with the reasons for the rulings since the production of evidence is strictly controlled by rules of law.

You must not consider an exhibit or testimony which the court orders stricken from the

record. In fact, such matter is to be treated as though you had never heard of it.

Nothing that I say during the trial is intended as any suggestion of what facts or what verdict you should find. Each of you, as jurors, must determine the facts and the verdict.

The evidence must be judged and considered from your memory of the testimony of the witnesses and such exhibits as may have been admitted for your examination.

You may take notes during the trial if you wish. Do not become so involved in note-taking that you fail to carefully listen to the evidence or observe the witnesses as they testify.

Transcripts of witness testimony will not be available to you during your deliberations, so please pay careful attention during that testimony.

Notes are not evidence in the case and must not take precedence over your independent recollection of the evidence. They are only an aid to recollection and are not entitled to any greater weight than your recollection or impression as to the actual evidence.

Your notes should not be disclosed to anyone other than a fellow juror during the deliberations. Do not take your notes outside of the courtroom or jury room. The court has furnished you with paper and pens.

You are allowed to submit questions to witnesses to clarify their testimony during trial under certain conditions.

If you feel the answer to your question would be helpful in understanding this case, please raise your hand after the lawyers have completed their examinations but before the witness is excused. You shall write your question and hand it to the bailiff. I will then privately confer with the lawyers about the question and make a ruling on whether the question may be asked under our law. If the question is of the type that is allowed, I will address the question to the

witness.

Please do not directly speak to the Court, the lawyers, or the witnesses, but carefully follow this procedure if you wish to have a specific question addressed to a witness.

Your verdict must represent the considered judgment of each juror. In order to return a verdict of guilty or not guilty you must all agree.

After you return the verdict you are under no obligation to discuss it or the reasons for it with anyone.

The trial of this case will proceed as follows:

First, the attorneys will have an opportunity to make opening statements. These statements are not evidence and should be considered only as a preview of what the attorneys expect the evidence will be.

Following the opening statements, witnesses will be called to testify. They will be placed under oath and questioned by the attorneys. Documents and other tangible exhibits may also be received as evidence. If an exhibit is given to you to examine, you should examine it carefully, individually and without comment.

When the evidence is completed, the attorneys will make final statements. These final statements are not evidence but are given to assist you in evaluating the evidence. The attorneys are also permitted to argue, to characterize the evidence and to attempt to persuade you to a particular verdict. You may accept or reject those arguments as you see fit.

Finally, just before you retire to consider your verdict, I will give you further instructions on the law which applies to this case.

During the trial, there will be periods of time when you will be allowed to separate, such as a recess for rest and overnight. When you are outside the jury room, you must not discuss the case among yourselves or with anyone else. However, you may discuss the evidence with your fellow jurors in the jury room during recesses from trial when all of you are present as long as you reserve judgment about the outcome of the case until the deliberations begin.

If anyone makes any attempt to talk to you concerning this case, you should report the fact to the court immediately.

Until your jury service is complete, while you are outside the courtroom or the jury room, you may not use your computers, laptops, cellular telephones, other electronic devices, or any other method to:

- (1) conduct research on your own or as a group regarding the case;
- (2) gather information about the issues in the case;
- (3) investigate the case, conduct experiments, or attempt to gain any specialized knowledge about the case;
- (4) receive assistance in deciding the case from any outside source;
- (5) read, watch, or listen to anything about the case from any source;
- (6) listen to discussions among, or receive information from, other people about the case,  
or
- (7) talk to any of the parties, their lawyers, any of the witnesses, or members of the

media, or anyone else about the case, including posting information, text messaging, email, internet chat rooms, blogs, or social websites.

During the trial, you must not consume any alcohol or drugs that would affect your ability to hear the evidence fairly and impartially.

You should keep an open mind and not reach a judgment about the outcome in this case until you have heard all the evidence, arguments of counsel, and the final instructions as to the law, and you begin your deliberations.