

STATE OF INDIANA                    )  
  )  
COUNTY OF CARROLL                )  
  )  
STATE OF INDIANA                    )  
  )  
VS.                                        )  
  )  
RICHARD M. ALLEN                    )

IN THE CARROLL CIRCUIT COURT  
  
CAUSE NO. 08C01-2210-MR-1

**MOTION TO QUASH SUBPOENA**


Comes now, Robert Ives, Former Prosecuting Attorney, by counsel, Thomas J. O'Brien, pursuant to Trial Rule 45 of the Indiana Rules of Trial Procedure, and respectfully requests the Court to quash a Subpoena to testify in the above-entitled cause. In support of said Motion, counsel states as follows:

1. Robert Ives received a Subpoena, from the Defense, on October 22, 2024. The Subpoena requested his testimony at the Jury Trial in the above-entitled cause.
2. On October 28, 2022, Richard M. Allen was charged in this cause number with four (4) counts of Murder.
3. Robert Ives's last day of being the Prosecuting Attorney for Carroll County was December 31, 2017. Any information that Robert Ives would have had would clearly be work product which is something not discoverable nor is Robert Ives able to testify regarding any work product.

4. Robert Ives is not a fact witness. That should be required to prove an undue hardship or an inability to obtain the information from another source. Any information Robert Ives has would be purely speculative, irrelevant, and inadmissible in this proceeding.
  
5. Robert Ives is requesting that the Court quash the Subpoena for him to testify in the above-entitled cause or, at a minimum, require the Defense to clearly demonstrate the relevancy of Robert Ives's testimony, the inability to obtain the information from another source, and to demonstrate the work order protection that Robert Ives has.

WHEREFORE, Robert Ives, Former Prosecuting Attorney, by counsel, respectfully requests this Court to quash the Subpoena issued to him to testify in the above-entitled cause, and for all other just and proper relief in the premises.

Respectfully submitted,



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Thomas J. O'Brien #10134-10  
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**CERTIFICATE OF SERVICE**

I certify that on the 24<sup>th</sup> day of October, 2024, service of a true and complete copy of the foregoing pleading or paper was made upon each party or attorney of record herein by depositing the same in the United States mail in envelopes properly addressed to each of them and with sufficient first class postage affixed or via Indiana electronic filing.



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Thomas J. O'Brien

**Cc: Prosecuting Attorney  
Bradley A. Rozzi  
Andrew J. Baldwin**