

STATE OF INDIANA            )  
                                          )ss:  
COUNTY OF CARROLL        )  
  
STATE OF INDIANA            )  
                                          )  
vs.                                )  
                                          )  
RICHARD M. ALLEN            )

IN THE CARROLL CIRCUIT COURT  
  
CAUSE NO. 08C01-2210-MR-000001

**MOTION FOR DISCOVERY DEADLINE**

Comes now the Defendant, Richard M. Allen, by Counsel, Bradley A. Rozzi and Andrew J. Baldwin, and respectfully requests that this Court set a discovery deadline, in this cause. In support of said Motion, Defendant Allen states as follows:

1. On October 28, 2022, the State filed an Information alleging Defendant, Richard Allen, committed two acts of Felony Murder;
2. The Jury Trial in this cause is set to commence on January 8, 2024;
3. Throughout this proceeding, the Defense has received discovery in the form of external hard drives, thumb drives, discs and written documentation. The defense has picked up said discovery usually within a day, but no more than two weeks, of the discovery being made available.
4. Said discovery was provided by the Prosecutor, to the Defense, on the following dates, all of which are memorialized in acknowledgement/receipts executed by the Defense and/or Defense representatives, on the following dates:

**Discovery received before first round of depositions:**

- Envelope dated December 7, 2022;
- Envelope dated December 21, 2022;
- Receipt dated December 21, 2022;
- Receipt dated February 13, 2023;
- Receipt dated April 20, 2023;

Receipt dated May 23, 2023;

Second receipt dated May 23, 2023;

Receipt dated June 27, 2023;

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Totaling: 16 hard drives, 4 flash drives and 1 disc

**Discovery received after first round of depositions**

Receipt dated September 8, 2023;

Receipt dated September 18, 2023; and

Receipt dated September 21, 2023

Receipt dated September 27, 2023

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Totaling 14 hard drives, 5 flash drives and 3 discs

5. The State of Indiana has indicated to defense that the more recent discovery it has provided (September 8 -September 27, 2023) may contain some discovery that the defense has already received. If that is accurate, from reviewing the State's itemization of newly discovered evidence, the defense believes that very little of the new discovery has been previously discovered.
6. However, the Defense has had very little time to compare the new discovery dumps of 14 hard drives, 5 flash drives and 3 discs received on or after September 8, 2023 with the older discovery received before September 8, 2023.
7. The Defense conducted the first round of depositions in this matter in early August, 2023. The Defense anticipates conducting at least 30-40 additional depositions between now and the trial date but has been reluctant to set additional depositions until it is confident that it has received all of the discovery and also until it has had a chance to review the vast amounts of newly discovered evidence received on and after September 8, 2023;

8. The September 8<sup>th</sup>, September 18<sup>th</sup>, September 21<sup>st</sup> and September 27<sup>th</sup>, 2023 receipts referenced above, contained, in part, discovery that was generated by the State of Indiana after the Defense conducted its initial round of depositions.
9. It was during this initial round of depositions that the State of Indiana and Unified Command learned that the Defense was aware of law enforcements lack of investigation and focus on certain suspects related to Odinism as detailed in the Defense's recent Franks filing.
10. Some of the recent discovery that the State of Indiana has provided is directly related to the Odinism aspects of the case but was only turned over to the Defense after the State of Indiana was aware that the Defense was cognizant of the Odinism aspects of the case.
11. The missing Odinite evidence that was finally turned over by the State of Indiana following the first round of depositions includes (but is not limited to):
  - a. Multiple interviews of [REDACTED] [REDACTED] (which the Defense has reviewed and contains exculpatory evidence that supports the Defense theory of Richard's innocence).
  - b. Multiple interviews of [REDACTED] [REDACTED] (which the Defense has reviewed and contains exculpatory evidence that supports the Defense theory of Richard's innocence).
  - c. An interview of [REDACTED] [REDACTED] (which the Defense has reviewed and contains exculpatory evidence that supports the Defense theory of Richard's innocence).
  - d. A letter from former Rushville investigator Todd Click which is exculpatory in nature in that it provides the name of an investigator who believes that the evidence strongly supports that certain suspects in Delphi, Logansport and Rushville committed the murders. This is a letter that the State of Indiana has had in its possession since May 1, 2023, but only turned over to the Defense once the State of Indiana knew that it was only a matter of time before the Defense would learn of its existence.
  - e. A report, roughly 85 pages in length, that has been reviewed and contains exculpatory evidence that supports the Defense theory of Richard's innocence.

- f. Several search warrants signed by Judges in Marion County pertaining to certain internet and phone records, including at least one unknown person who admitted to killing the girls, even providing details unknown to the general public of the crime scene such as the fact that he used a knife in a way consistent with the manner of death and also claiming that he used a gun but never fired it.
12. Having only had a chance to barely touch the surface of the vast amounts of newly discovered evidence the Defense has received in the last 24 days, it is hard to know what other exculpatory evidence may be found in 14 hard drives, 5 thumb drives and 3 discs, as well as the paperwork that was also provided since September 8, 2023.
13. In addition to the vast amounts of newly discovered evidence that has been in the hands of law enforcement and the prosecutor's office for over 10 months (since the Defense entered their appearances) the Defense has also received certain new evidence that was only recently produced, including:
  - a. A new audio file in which [REDACTED] was interviewed by state police in August 2023.
  - b. A new audio file in which [REDACTED] was interviewed in August 2023.
  - c. A new audio file of [REDACTED] [REDACTED] who was interviewed in August 2023.
  - d. A new audio file in which [REDACTED] [REDACTED] was interviewed on September 9, 2023. This is believed to be the mystery Purdue professor described in the Franks memorandum. The State of Indiana was apparently aware of his existence since September 9, 2023 but did not inform the Defense of his existence until the Defense found his name in a September 27, 2023 evidence dump.
14. Between the vast amounts of old discovery that has been in the hands of law enforcement for over 10 months (including exculpatory evidence that supports the Defense theory of Richard's innocence) as well as the Todd Click letter that had been in the hands of the prosecutor since May 1, 2023 (a letter that led to exculpatory evidence that supports the Defense theory that Richard is innocent), the Defense is concerned that there will be a continual drip, drip, drip of evidence (much which could be exculpatory in nature) unless a discovery deadline is set by the Court.

15. Of course, the Defense is not seeking a discovery deadline on any exculpatory evidence as the State of Indiana has a continuing obligation to provide exculpatory evidence to the Defense when it (the State of Indiana) is aware that it possesses exculpatory evidence.
16. The Defense is requesting that the prosecution produce all evidence in its possession immediately and also that the Court set a November 1, 2023 deadline to do so.
17. Additionally, based upon the State's recent discovery of new evidence (such as the August 2023 [REDACTED] and [REDACTED] interviews) it is the Defense's view that following the Defense team's first round of depositions that the State has reopened its investigation. While Defendant Allen takes no exception with the State reopening its investigation, directing its focus on other suspects in this case, Defendant Allen desires that there be some end to the offering up of new information as well as parameters as to when and how the State of Indiana should turn over new evidence stemming from the reopened investigation into the Odinism aspects of the case or any other aspect of the case that is still being investigated.
18. Pursuant to LR08-CR00-18, Defendant Allen acknowledges his responsibility to seek out full discovery under terms of the Standing Order on Discovery. In this respect and to conform with the local rule, Defendant Allen directed to Carroll County Prosecutor, Nicholas McLeland, additional requests for discovery on the following dates:

Letter dated August 22, 2023 and Letter dated August 28, 2023.
19. Defendant Allen believes he has received a portion of the discovery requested in the above referenced letters;
20. However, to the best of Defendant Allen's knowledge, he still has not received the following discovery that has been requested upon the State and are particularly important as they may very well contain exculpatory evidence that will support the defense theories of who actually murdered the girls:
  - a. [REDACTED] audio/video taped interview from February 17, 2017 conducted by SA Adam Pohl and Hammond Police Officer Christopher Gootee. The body of the report concerning the interview states the following: "The below is an

interview summary. It is not intended to be a verbatim account **and does not memorialize all statements made during the interview. Communications by the parties in the interview room were electronically recorded. The recording captures the actual words spoken.**” (Emphasis added). The Defense requests the recording so that it can utilize all actual words spoken by ██████████ at his interview.

- b. Additionally, in his August 2023 interview, ██████████ discusses a second interview with law enforcement that took place years ago. The defense requests all reports and recordings of that interview.
- c. ██████████ was interviewed on February 19, 2017 by the same law enforcement officers that interviewed ██████████ two days earlier. The Defense has not been provided any electronic recording of that interview.
- d. A report, believed to be authored by Purdue Professor Jeffrey Turco. Defense has not found this report in any of the newest discovery.
- e. Police reports related to ██████████ ██████████ reporting her brother’s confession in person in Carroll County sometime in February or March 2017.

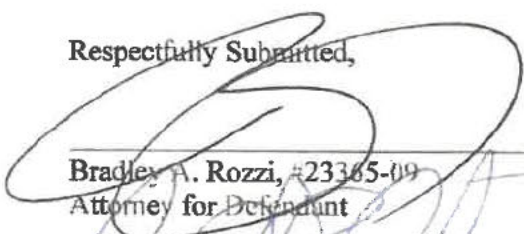
- 21. The State of Indiana has indicated that it has not been able to locate items: a, b, c and e in paragraph 20. The State had previously indicated it could not locate the Purdue professor or any reports he had authored, although that may have recently changed.
- 22. At the time of this filing, the trial in this cause is just over three months away. Defendant Allen understands that there will likely exist additional discovery in the form of audio and video surrounding Defendant’s detention circumstances, which will continue to be requested and presumably disclosed, in the event that this Honorable Court takes no action of Defendant Allen’s recent Motion for Immediate Transfer. However, Defendant Allen requests that the State of Indiana be required to offer up the totality of all other discovery no later than thirty (30) days from the date of this request.
- 23. Without a firm discovery deadline, it is impossible to expect Defendant Allen to be fully prepared for trial as it is difficult, if not impossible, to conduct depositions and to engage in pre-trial hearings (such as suppression hearings

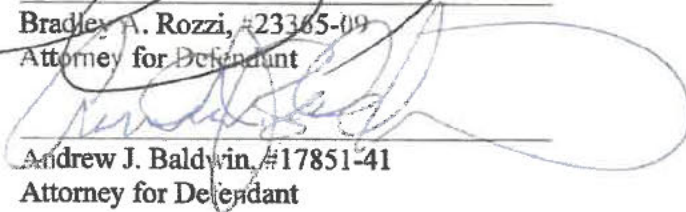
and hearings on Motions in Limine) without the totality of all discovery in this cause being provided to the defense;

24. Trial Rule 26(B) provides that the defense may obtain discovery regarding any matter, not privileged, which is relevant to the subject-matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or the claim or defense of any other party, including 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;
25. This investigation has been ongoing for more than six years. Again, with the understanding that there may be some additional discovery related to Defendant Allen's detention circumstances, there is no reason why the defense should be receiving discovery that has been in the hands of law enforcement and which continues to be quite voluminous, at this late stage in the proceedings. The need for a discovery deadline exists;

WHEREFORE, Defense counsel respectfully requests that the Court set a discovery deadline no later than November 1, 2023 as Defense counsel believes that said deadline is necessary to (1) promote Defendant Allen's constitutional due process rights to be confronted and presented with all evidence concerning the pending allegations, (2) to promote the need for judicial economy as the trial in this case draws near, and (3) to permit Defendant Allen and his Attorneys to be fully informed as they engage in further depositions and pretrial matters in this cause.

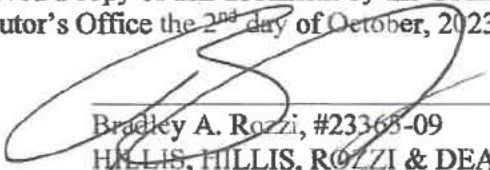
Respectfully Submitted,

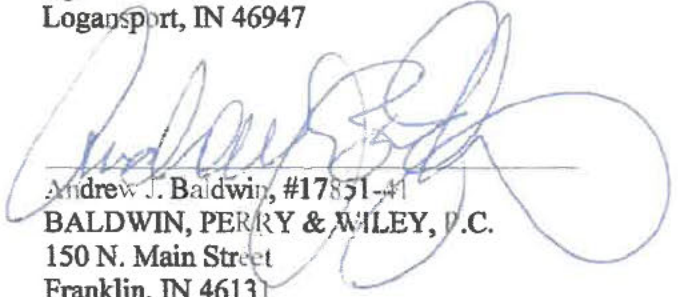
  
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Attorney for Defendant

  
Andrew J. Baldwin, #17851-41  
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**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 2<sup>nd</sup> day of October, 2023.

  
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