

Indiana v. Richard M. Allen
Chronological Case Summary

Note: These links take you to the original court document. The filings are listed according to the date each document was signed or authorized rather than the date it was filed because filing dates do not always reflect the true timing and/or movement of a case.

Link to Richard Allen Case Files google drive [here](#).

Link to the Dynamic CCS [here](#).

Link to the Dynamic CCS + Investigation [here](#).

OCTOBER 2022

Tony Liggett files an [Affidavit for Search Warrant](#); dated on October 13, 2022.

Judge Diener signs a [Search Warrant](#); dated on October 13, 2022.

Tony Liggett files a [Search Warrant Return](#); dated on October 13, 2022.

Indiana State Police Laboratory sends [Certificate of Analysis from ISP Laboratory Division – A](#) to ISP Trooper Jay Harper of Unified Command; dated on October 19, 2022.

Indiana State Police Laboratory sends [Certificate of Analysis from ISP Laboratory Division – B](#) to ISP Trooper Jay Harper of Unified Command; dated on October 19, 2022.

Richard Allen [Booking Photo](#) from Carroll County Jail; October 26, 2022.

Nick McLeland files a [Verified Request To Prohibit Public Access To A Court Record](#); dated on October 27, 2022.

Nick McLeland files [Count 1 and 2](#); dated on October 27, 2022.

Nick McLeland files a [Probable Cause Affidavit](#); dated on October 27, 2022.

Judge Diener enters an [Order Sealing Court Records Pending Public Hearing](#); dated on October 28, 2022.

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.

Judge Diener enters an [Order finding probable cause and setting bond](#); dated on October 27, 2022.

Court finds that probable cause does exist. Court sets bond in the sum of twenty million dollars cash or corporate surety. Initial hearing is set for Oct. 28, 2022, at 10:30 am.

Judge Diener enters an [Order on Initial Hearing](#); dated on October 28, 2022.

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.

Judge Diener enters a [Pre-Omnibus Order](#); dated on October 28, 2022.

This cause is set for trial by jury on March 20, 2023, at 9:00 am as a first setting. The omnibus date is January 13, 2023. Pre-trial conference is set for January 13, 2023, at 9:00 am 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. 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.

[Press Release](#) about Richard Allen's arrest on October 26 arrest and transport to White County Jail on October 28; dated on October 31, 2022.

NOVEMBER 2022

[letter from Richard Allen to the Court](#); postmarked on November 1, 2022.

Judge Diener enters an [Order Acknowledging Public Hearing](#); dated on November 2, 2022.

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.

Sheriff Tobe Leazenby files 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 of Corrections for Safekeeping](#); dated on November 2, 2022.

Judge Diener enters bizarre, rambling [Safekeeping Order](#); dated on November 3, 2022.

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.

Judge Diener enters an [Order of Recusal and Certification to the Indiana Supreme Court for Selection of a Special Judge Outside of Carroll County](#); dated on November 3, 2022.

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.

[Order of the Indiana Supreme Court appointing Special Judge Frances C. Gull](#); dated on November 3, 2022.

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 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.

Ron Wilkins files **Formal Complaint 22-FC-157**; dated on November 8, 2022.

Judge Gull enters an [Order](#); dated on November 14, 2022.

Court finds Defendant is unable to hire counsel and is entitled to Court-appointed counsel. 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 am.

Bradley A. Rozzi files an [Appearance](#); dated on November 14, 2022.

Andrew J. Baldwin files an [Appearance](#); dated on November 14, 2022.

Judge Gull enters a **Transport Order**; dated on November 16, 2022.

Judge Gull enters a [Courthouse Management and Decorum Order](#) for the November 22, 2022 Hearing; dated on November 18, 2022.

Andrew Baldwin files a [Petition To Let Bail](#); dated on November 21, 2022.

Andrew Baldwin prepares a [Proposed Order re: Petition To Let Bail](#); November 21, 2022.

Attorneys for Media Intervenors file a [Limited Appearance By Attorneys](#) for the limited purpose of challenging the provisional sealing of the probable cause affidavit and charging information pending the November 22, 2022 public hearing on the matter; dated on November 21, 2022.

Attorneys for Media Intervenors file a [Pre-Hearing Brief Seeking Public Access to Probable Cause Affidavit and Charging Information](#); dated on November 21, 2022.

Hearing Held on November 22, 2022.

Session: 11/22/2022 9:00 am, Judicial Officer: Diener, Benjamin A.
Comment: Public Access.

[Record of Proceedings Held on November 22, 2022](#) – Transcript from the Court

Nick McLeland files a [Motion For 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 [Exhibits](#); dated on November 22, 2022.

Nick McLeland prepares a [Proposed Order re: Motion For Prohibiting the Parties](#); November 22, 2022.

[Jerry Holeman Affidavit](#); filed on November 22, 2022.

[Steve Mullin Affidavit](#); filed on November 22, 2022.

Judge Gull enters an [Order](#); dated on November 22, 2022.

Defendant appears in person and with counsel. State by Prosecuting Attorney. Hearing held on State's Verified Request to Prohibit Public Access to a Court Record. Matter taken under advisement. Defendant's Petition to Let to Bail ordered set for hearing in Carroll Circuit Court on February 17, 2023 at 10:00 am. Court to enter transport order. Omnibus date rescheduled to February 17, 2023 at 10:00 am by agreement of counsel.

Judge Gull enters an [Order](#); dated on November 22, 2022.

Court notes filing of 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.

Judge Gull enters a **Transport Order**; dated on November 22, 2022.

Hearing Scheduling Activity; dated on November 22, 2022.

Pretrial Conference scheduled for 01/13/2023 at 9:00 am was canceled. Reason: Judicial Action. Hearing scheduled for 02/17/2023 at 10:00 am.

Nick McLeland and Shane Evans enter their [Appearance](#); dated on November 23, 2022 at 9:19 am.

Attorneys for Media Intervenors file a [Media Intervenors' Motion For Leave To Intervene](#); dated on November 23, 2022.

Media Intervenors prepare a [Proposed Order re: Media Intervenors' Motion For Leave To Intervene](#); November 23, 2022.

Attorneys for Media Intervenors file a [Post-Hearing Brief Seeking Public Access To Probable Cause Affidavit And Charging Information](#); dated on November 23, 2022.

Andrew Baldwin files a [Verified Motion For Change Of Venue From The County](#); dated on November 28, 2022.

Andrew Baldwin prepares a [Proposed Order re: Verified Motion For Change Of Venue From The County](#); November 28, 2022.

Judge Gull enters an [Order](#); dated on November 28, 2022.

The Court, having had this matter under advisement following a hearing conducted on November 22, 2022, now denies the State's Verified Request to Prohibit Public Access to a Court Record, in part. 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 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.

[ISP Response to Formal complaint 22-FC-157](#); dated on November 30, 2022.

DECEMBER 2022

Brad Rozzi and Andrew Baldwin send out a [Press Release](#) in compliance with the Rules of Professional Conduct; December 1, 2022.

Jerry Holeman [leaks 'clerical error'](#) story to Murder Sheet on December 1, 2022.

Judge Gull enters an [Order](#); dated on December 1, 2022.

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 Statement 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 am in Carroll Circuit Court.

Judge Gull enters a **Transport Order**; dated on December 1, 2022.

Hearing Scheduling Activity; dated on December 1, 2022.

Hearing scheduled for 01/13/2023 at 10:00 am.

Judge Gull enters an [Order](#); dated on December 2, 2022.

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

scheduled for January 13, 2023 at 10:00 am in the Carroll Circuit Court. Violations of this Order are punishable as Contempt of Court and subject the violator to a fine and/or incarceration.

Andrew Baldwin files a [Motion for Leave to Proceed Ex Parte on Defendant's Motion for Public Funding for Cost of Representation Including Expert Fees and Expenses](#); dated on December 8, 2022.

Hearing Scheduling Activity; dated on December 8, 2022.

Jury Trial originally scheduled on 03/20/2023 at 9:00 am was rescheduled to 03/20/2023 at 9:00 am. Reason: Conversion.

Judge Gull enters an [Order](#); dated on December 12, 2022.

Comes now Defendant, by counsel, upon Motion of Defendant for leave to proceed Ex Parte with regard to any applications for public funding for cost of representation including expert fees and expenses, and the Court having examined same, and being duly advised in the premises, now finds the same should be GRANTED with regard to all requests for funds for such assistance necessary to prepare the defense of this case. Counsel for Defendant shall be allowed to file written motions for such assistance without serving a copy on the Prosecutor. All such motions shall bear the following legend, preceding and separated from the style of the motion: EX PARTE PLEADING - TO BE PLACED UNDER SEAL and the Clerk shall ensure that these filings are not accessible by the Prosecutor. All hearings to consider such Motions shall be conducted in the Courtroom, which shall be closed to the public and the Prosecutor. The Court Reporter will take down the proceeding, but any transcript shall be made available only to defense counsel and the Court until further order of the Court. The original transcript shall be placed under seal in a separate envelope, marked with the date. The Clerk shall not permit any person, other than the Court and counsel for Defendant, to examine such motions, orders, and transcripts regarding such

applications for funds. These motions shall be segregated from the remainder of the file in the case. The Clerk, the Sheriff and any deputies from his office, the Court Reporter, and the Carroll County Public Defender Agency and any agents are hereby restrained under penalty of contempt from disclosing to anyone the nature of any motion or order relating thereto, any testimony or colloquy adduced at any hearing on such motions, the text of any transcript, or any other information disclosed in such proceedings. Furthermore, all county personnel who are necessary for the processing of paperwork associated with the ex parte requests for funds and disbursement of those funds are hereby ordered under penalty of contempt that should they become aware of any violation of this Order they are to immediately notify this Court of such violation. Dated: December 12, 2022.

Defense files an **Ex Parte Motion Authorizing Funding for Fact Investigator**; Filed on December 21, 2022.

Brad Rozzi files a [Supplemental Motion for Discovery and Rule 405 and 405 Evidence](#); dated on December 30, 2022.

JANUARY 2023

Judge Gull enters an [Order](#); dated on January 9, 2023.

Court orders Defendant's Supplemental Motion for Discovery and Request for Rule 404 and 405 Evidence set for hearing January 13, 2023 at 10:00 am. Court further orders Defendant's Ex Parte Motion and Order Authorizing Funding for Fact Investigator set for ex parte hearing January 13, 2023 at 11:00 am.

Judge Gull enters a [Courthouse Management and Decorum Order](#) for January 13, 2023 Hearing at 10:00 am; dated on January 10, 2023.

Nick McLeland files the [State's Response to Defendant's Supplemental Motion for Discovery and Rule 404 and 405 Evidence](#); dated on January 12, 2023.

Hearing Held on January 13, 2023.

Pretrial Conference. Reason: Judicial Action Session: 01/13/2023 9:00 am, Canceled. 01/13/2023. Hearing. Session: 01/13/2023 10:00 am, Judicial Officer: Gull, Frances.

Judge Gull enters an [Order](#); dated on January 13, 2023.

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. 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.

Nick McLeland and Defense Counsel agree to and file a [Stipulation Regarding Defendant's Verified Motion for Change of Venue From County](#); dated on January 20, 2023.

Judge Gull enters an [Order](#); dated on January 24, 2023.

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.

Judge Gull enters a [Confidential Order](#); dated on January 24, 2023.

The Court has considered the Defendant's Ex Parte Motion for Public Funding of Expert Services Necessary to Present an Adequate Defense, and having heard and considered the evidence taken at the hearing on January 13, 2023, the Court now finds the Motion should be GRANTED. Counsel ordered to submit invoices and the appropriate claim forms to the undersigned for approval and payment by the Carroll County Auditor. The Court will authorize up to \$6000 for investigator services, including Matthew Hoffinan, and up to \$2500 for paralegal and intern services. The Court is aware additional expenses may be necessary for experts and additional services by paralegals, interns, and investigators. Clerk ordered to seal this Order and maintain confidentiality.

Judge Gull enters a [Confidential Order](#); dated on January 24, 2023.

Court authorizes the Defendant to expend a \$5000.00 (Five Thousand Dollar) retainer fee for Expert William A. Tobin for purposes of ballistics and toolmark identification. Court orders the Auditor of Carroll County to issue a check for the retainer fee of \$5000.00 (Five Thousand Dollars) and remit same to: William A. Tobin, Forensic Engineering International. A copy of this Order to be sent to defense counsel. Clerk ordered to seal this Order and maintain confidentiality.

Nick McLeland files the [State's Response to Defendant's Petition to Let Bail](#); dated on January 30, 2023.

FEBRUARY 2023

Brad Rozzi files a [Motion to Continue Bail Hearing and Jury Trial Setting](#); dated on February 7, 2023.

Brad Rozzi prepares a [Proposed Order re: Motion to Continue Bail Hearing and Jury Trial Setting](#); February 7, 2023.

Attorneys for Media Intervenors file a [Renewed Motion To Intervene and Motion to Grant Public Access to the State's Verified Request to Prohibit Public Access](#); dated on February 10, 2023.

Media Intervenors prepare a [Proposed Order re: Renewed Motion To Intervene and Motion to Grant Public Access to the State's Verified Request to Prohibit Public Access](#); February 10, 2023.

[Opinion of the Public Access Counselor re Formal Complaint No. 22-FC-157](#); issued on February 10, 2023.

Nick McLeland files the [State's Response to Motion to Continue Bail Hearing and Jury Trial Setting](#); dated on February 13, 2023.

Nick McLeland files a [Motion Requesting Protective Order Governing Discovery](#); dated on February 13, 2023.

Nick McLeland prepares a [Proposed Order re: Motion Requesting Protective Order Governing Discovery](#); February 13, 2023.

Judge Gull enters an [Order](#); dated on February 16, 2023.

On the Court's Motion, and with the consent of the parties, the hearing scheduled for February 17, 2023 at 10:00 am on Defendant's Petition to Let Bail will be continued and the resetting of the same will be conducted with the attorneys, the Defendant, and the Court appearing remotely February 17, 2023 at 1:30 pm. Court orders the Transport Order for the Defendant canceled.

Judge Gull enters a **Transport Order**; dated on February 16, 2023.

To accommodate Department of Correction availability, the hearing currently set for February 17, 2023 at 1:30 pm is reset for February 17, 2023 at 12:30 pm.

Hearing on February 17, 2023.

Session: 02/17/2023 12:30 pm, Judicial Officer: Gull, Frances.

Judge Gull enters an [Order](#); dated on February 17, 2023.

Order Granting Media Intervenor's Renewed Motion to Intervene and Motion To Grant Public Access to the State's Verified Request to Prohibit Public Access.

Judge Gull enters an [Order](#); dated on February 17, 2023.

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 State. 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. That the discovery, material shall not be publicly exhibited, displayed, shown, used Cot In: 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.

Hearing Scheduling Activity on February 17, 2023.

Hearing scheduled for 06/15/2023 at 8:30 am. Hearing scheduled for 06/16/2023 at 8:30 am.

Judge Gull enters an [Order](#); dated on February 21, 2023.

Court grants Defendant's Motion to Continue Bail Hearing and resets the hearing to June 15-16, 2023 at 8:30 am in the Carroll Circuit Court. Jury trial also continued to be reset at the bond/omni hearing June 15, 2023.

Hearing Scheduling Activity on February 23, 2023.

Jury Trial scheduled for 03/21/2023 at 9:00 am. was canceled. Reason: Judicial Action.

MARCH 2023

Jury Trial on March 20, 2023.

Reason: Judicial Action. Session: 03/20/2023 9:00 am, Rescheduled.
Session: 03/21/2023 9:00 am, Canceled. Session: 03/22/2023 9:00
am, Canceled. Comment: First Setting.

APRIL 2023

Brad Rozzi files an [Emergency Motion To Modify Safekeeping Order](#) and [Exhibits](#); dated on April 5, 2023.

Defense prepares a [Proposed Supplemental Order on Safekeeping](#) directing IDOC to transport Richard Allen to the Cass County Jail and release him to the care and custody of the Cass County Sheriff, Edward Schroder; April 5, 2023.

[letter from Robert Baston to the Court](#); dated on April 11, 2022.

Judge Gull enters a [Supplemental Safekeeping Order re: TRC Hearing](#); dated on April 14, 2023.

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.

Treatment Review Committee Hearing on April 14, 2023.

TRC Hearing held to evaluate whether or not Richard Allen requires involuntary medication.

Nick McLeland files the [State's Response To Defense's Emergency Motion To Modify Safekeeping Order](#); dated on April 14, 2023.

Brad Rozzi files an [Indiana Tort Claim Notice](#); dated on April 18, 2023.

Nick McLeland files a [Verified Request to Prohibit Public Access to a Court Record re: Motion For Leave to Subpoena Third-Party Records directed at Westville Correctional Facility for audio/video of Richard Allen](#); dated on April 20, 2023.

Nick McLeland files a [Motion For Leave to Subpoena Third-Party Records directed at Westville Correctional Facility for audio/video of Richard Allen](#); dated on April 20, 2023.

(Nick McLeland filed 3 separate Motions For Leave to Subpoena Third-Party Records directed at Westville Correctional Facility asking Westville for Richard Allen's CVS employment records 🤪)

Nick McLeland files a [Subpoena Duces Tecum directed at Westville Correctional Facility for audio/video of Richard Allen](#); dated on April 20, 2023.

Nick McLeland prepares a [Proposed Order re: Subpoena directed at Westville Correctional Facility for audio/video of Richard Allen](#); April 20, 2023.

Nick McLeland files a [Verified Request to Prohibit Public Access to a Court Record re: Motion For Leave to Subpoena Third-Party Records directed at Westville Correctional Facility for Richard Allen's medical records](#); dated on April 20, 2023.

Nick McLeland files a [Motion For Leave to Subpoena Third-Party Records directed at Westville Correctional Facility for Richard Allen's medical records](#); dated on April 20, 2023.

(Nick McLeland filed 3 separate Motions For Leave to Subpoena Third-Party Records directed at Westville Correctional Facility asking Westville for Richard Allen's CVS employment records 🤪)

Nick McLeland files a [Subpoena Duces Tecum directed at Westville Correctional Facility for Richard Allen's medical records](#); dated on April 20, 2023.

Nick McLeland prepares a [Proposed Order re: Subpoena directed at Westville Correctional Facility for Richard Allen's medical records](#); April 20, 2023.

Nick McLeland files a [Verified Request to Prohibit Public Access to a Court Record re: Motion For Leave to Subpoena Third-Party Records directed at Westville Correctional Facility for Richard Allen's mental health records](#); dated on April 20, 2023.

Nick McLeland files a [Motion For Leave to Subpoena Third-Party Records directed at Westville Correctional Facility for Richard Allen's mental health records](#); dated on April 20, 2023.

(Nick McLeland filed 3 separate Motions For Leave to Subpoena Third-Party Records directed at Westville Correctional Facility asking Westville for Richard Allen's CVS employment records 🤪)

Nick McLeland files a [Subpoena Duces Tecum directed at Westville Correctional Facility for Richard Allen's mental health records](#); dated on April 20, 2023.

Nick McLeland prepares a [Proposed Order re: Subpoena directed at Westville Correctional Facility for Richard Allen's mental health records](#); April 20, 2023.

Nick McLeland files a [Verified Request to Prohibit Public Access to a Court Record re: Motion For Leave to Subpoena Third-Party Records directed at CVS for Richard Allen's employment records](#); dated on April 20, 2023.

Nick McLeland files a [Motion For Leave to Subpoena Third-Party Records directed at CVS for Richard Allen's employment records](#); dated on April 20, 2023.

Nick McLeland files a [Subpoena Duces Tecum directed at CVS for Richard Allen's employment records](#); dated on April 20, 2023.

Nick McLeland prepares a [Proposed Order re: Subpoena directed at CVS for Richard Allen's employment records](#); April 20, 2023.

MAY 2023

Judge Gull enters an [Order](#); dated on May 3, 2023.

Judge Gull grants Order directing Westville Correctional Facility to produce audio/video of Richard Allen to Nick McLeland.

Judge Gull enters an [Order](#); dated on May 3, 2023.

Judge Gull grants Order directing CVS to produce Richard Allen's employment records to Nick McLeland.

Brad Rozzi files a [Verified Request To Prohibit Access To A Court Record to prohibit public access to four separate Motions To Squash Subpoena](#) filed simultaneously to remain in compliance with Judge Gull's gag order; dated on May 3, 2023.

Brad Rozzi files a [Verified Request To Prohibit Access To A Court Record to prohibit public access to Motion To Reconsider And Request For Due Process Hearing](#) in order to remain in compliance with Judge Gull's gag order; dated on May 3, 2023.

Brad Rozzi files a [Motion To Reconsider And Request For Due Process Hearing](#); dated on May 3, 2023.

Brad Rozzi prepares a [Proposed Order re: Motion To Reconsider And Request For Due Process Hearing](#); May 3, 2023.

Brad Rozzi files a [Verified Motion For Temporary Restraining Order And Preliminary Injunction](#); dated on May 15, 2023.

Brad Rozzi prepares a [Proposed Order re: Verified Motion For Temporary Restraining Order And Preliminary Injunction](#); May 15, 2023.

Brad Rozzi files a [Subpoena to inspect IDOC](#); dated on May 19, 2023.

Brad Rozzi files a [Notice of Discovery re: Subpoena to inspect IDOC](#); dated on May 19, 2023.

Andrew Baldwin files a [Motion to Convert Let Bail Hearing Into Suppression Hearing](#); dated on May 19, 2023.

Andrew Baldwin prepares a [Proposed Order re: Motion To Convert Let Bail Hearing Into Suppression Hearing](#); May 19, 2023.

Andrew Baldwin files a [Motion To Suppress Fruits of Search of 1967 Whiteman Drive, Delphi, Indiana](#); dated on May 19, 2023.

Defense prepares a [Proposed Order re: Motion To Suppress Fruits of Search of 1967 Whiteman Drive, Delphi, Indiana](#); May 19, 2023.

Judge Gull enters an [Order](#); dated on May 25, 2023.

The Court, having had the 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 am. The hearing currently set on defendant's request for bail is ordered converted to a hearing on defendant's Motion to Suppress.

JUNE 2023

Defense files a **Motion for Ex Parte Determination of Defendant's Motion for Appointment of Experts**; filed on June 6, 2023.

Brad Rozzi files a [Motion for Order on Continuing Disclosure of Defendant's Mental Health Records](#); dated on June 7, 2023.

Defense prepares a [Proposed Order re: Motion for Order on Continuing Disclosure of Defendant's Mental Health Records](#); June 7, 2023.

Murder Sheet files a [Limited Appearance](#); dated on June 8, 2023.

Murder Sheet files a [Verified Request For Access To A Court Record Excluded From Public Access](#); dated on June 8, 2023.

Brad Rozzi files a [Subpoena for Inmate Robert Baston to appear for a hearing on June 15, 2023](#); dated on June 9, 2023.

Judge Gull enters a **Transport Order**; dated on June 9, 2023.

Hearing Scheduling Activity; dated on June 9, 2023.

Hearing scheduled for 06/16/2023 at 8:30 AM was cancelled. Reason:
Other.

Judge Gull enters a [Courthouse Management and Decorum Order for June 15, 2023 Hearing at 10:00 am](#); dated on June 12, 2023.

Judge Gull enters a [Transport Order re: Subpoena for Inmate Robert Baston to appear for a hearing on June 15, 2023](#); dated on June 12, 2023.

Brad Rozzi files a [Motion In Limine Regarding Ballistics](#) and [Exhibits](#); dated on June 13, 2023.

Nick McLeland files a [Verified Request To Prohibit Public Access To A Court Record re: State's Objection To Defendant's Motion For Order On Continuing Disclosure Of Defendant's Mental Health Records](#); dated on June 13, 2023.

Nick McLeland files the [State's Objection To Defendant's Motion For Order On Continuing Disclosure Of Defendant's Mental Health Records](#); dated on June 13, 2023.

Nick McLeland files a [Verified Request To Prohibit Public Access To A Court Record re: State's Objection To Defendant's Motion To Suppress](#); dated on June 13, 2023.

Nick McLeland files the [State's Objection To Defendant's Motion To Suppress](#); dated on June 13, 2023.

[Sheriff's Return re: Subpoena for Inmate Robert Baston to appear for a hearing on June 15, 2023](#); dated on June 14, 2023.

Hearing on June 15, 2023.

Hearing held on Emergency Motion to Modify Safekeeping Order and Defendant's Motion for Order on Continuing Disclosure of Defendant's Mental Health Records.

[Record of Proceedings At Hearing Held On Safekeeping Order Held June 15, 2023](#) and [Exhibits](#) – Transcript from Criminality

Hearing Scheduling Activity; dated on June 15, 2023.

Jury Trial scheduled for 01/08/2024 at 9:00 am.

Judge Gull enters an [Order](#); dated on June 16, 2023.

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 custody of Richard M. Allen 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.

Defense files an **Ex Parte Motion for Order Authorizing Expert at a Public Expense**; filed on June 16, 2023.

[Appearance By Attorneys in a Civil Case](#); dated on June 19, 2023.

[Motion to Quash Subpoena or Enter Protective Order](#) and [Exhibit](#); dated on June 19, 2023.

[Carroll County Sheriff Incident Report re: Transport Order re: Subpoena for Inmate Robert Baston to appear for a hearing on June 15, 2023](#); dated on June 20, 2023.

[Westville Correctional Facility Incident Report Transport Order re: Subpoena for Inmate Robert Baston to appear for a hearing on June 15, 2023](#); dated on June 20, 2023.

Judge Gull enters an [Order](#); dated on June 20, 2023.

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.

letter from Robert Baston to the Court filed on July 5, 2023; dated on June 25, 2023.

Judge Gull enters an [Order](#); dated on June 28, 2023.

The Court has reviewed the electronic file recently and discovered many pleadings and filings have been marked as sealed and confidential, and, therefore, unavailable to the public. The Court has consulted with Counsel for the State of Indiana and the Defense and discovered the pleadings have been deemed confidential to comply with the Court Order dated December 2, 2022 which prohibits public comment, commonly referred to as the "Gag Order". Counsel agree with the Court that the public interest is best served by transparency, but that certain pleadings should remain sealed. Counsel agree that the original, unredacted Affidavit for Probable Cause shall remain sealed as it lists names of juvenile witnesses; that the Transport Orders previously entered (and future Orders) shall remain sealed for security purposes; and that the Defense Ex Parte Motions and related Orders shall remain sealed pursuant to long established case law. All other pleadings filed prior to the date of this Order shall be unsealed and available to the public, except for the pleadings explicitly mentioned in this paragraph. Future pleadings and filings that are to be confidential shall comply with Court rules. Further, the Court has consulted with the Clerk of the Carroll Circuit Court about the impact of this Order on her office and staff, and the public interest in the pleadings which are being made available. As hundreds of pages of documents are being unsealed, this may create obstacles to the Clerk and the public. To ease the burden on the Clerk of the Court, and to ensure accessibility, the Clerk of the Court, and to ensure accessibility, the Court will make copies of the now public pleadings available at allensuperiorcourt.us/Delphi. John McGauley, Allen Superior Court,

Court Executive has created this page on the Court's website to make these pleadings easily accessible to the public, the media, and the parties. This link should be active within hours of the issuance of this Order.

X files a **Motion for Order on Visitation with Inmate**; filed on June 29, 2023.

JULY 2023

Judge Gull enters an **Order**; dated on July 18, 2023.

The Court, having reviewed the Indiana Department of Correction's Motion to Quash Subpoena or Enter Protective Order, now finds that Defendant's request is unreasonable and oppressive, and beyond the scope of discovery. The Court, therefore, quashes the Subpoena and Request for Production to Non-Party issued by Counsel in May 19, 2023.

Judge Gull enters an [Order](#); dated on July 19, 2023.

The Court, having had this matter under advisement following a hearing, and having considered the evidence and the arguments of Counsel, now finds as follows: Defendant is currently incarcerated in the Westville Correctional Facility under a "safekeeping order" issued November 3, 2022. The Court Order states that the Court "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." The evidence presented at the hearing on defendant's Motion to Reconsider did not support many of the allegations advanced by defendant counsel. In fact, the evidence presented demonstrated that the Defendant is treated more favorably than other inmates housed at the Westville Correctional Facility. In light of the evidence presented, the Court has reconsidered the original Safekeeping Order and finds it is reasonable and necessary to ensure the defendant's safety and to prevent serious bodily injury to himself.

The Department of Correction has provided, and will continue to provide Defendant with the necessarily medical services, including any mental health services. If the Department of Correction believes a facility other than Westville is more appropriate, or more convenient for Counsel, the Court is confident that the Department of Correction will move the defendant accordingly.

AUGUST 2023

Brad Rozzi files a [Praecipe for Transcript](#); dated on August 8, 2023.

Administrative Event; dated on August 8, 2023.

Praecipe for Transcript to Allen County D05 Court Reporter and Felony Judicial Assistant.

Judge Gull enters a [Confidential Order](#); dated on August 24, 2023.

Court authorizes payment to Brad Rozzi for the cost of depositions in the amount of \$6,209.44; attorneys fees to date in the amount of \$37,722.00; and administrative expenses in the amount of \$4,805.73. Court authorizes payment to Andrew Baldwin for administrative expenses in the amount of \$1,212.00; and attorneys fees to date in the amount of \$21,266.22. Counsel are reminded to submit invoices regularly to the Court.

Judge Gull enters a [Confidential Order](#); dated on August 31, 2023.

The Court has reviewed the submission by Attorney Baldwin requesting attorney fees, administrative fees, and investigator fees. Court takes the Invoice submitted by Emergency Management Services of Indiana, LLC, under advisement and requests a detailed invoice. The submission of 1,125 hours from December 4, 2022 to August 12, 2023, for \$16,875 is insufficient for the Court to make a determination. The Administrative hours submitted by the law firm of Baldwin, Perry & Wiley, PC for May 25, May 31, June 13, June 14, June

15, July 2, July 13, July 17, July 24, and August 10 are approved for total of \$719.98. The expenses incurred by the law firm of Baldwin, Perry & Wiley, PC are approved in part. The Court notes a charge of \$52,644.86 for Exhibits for June 15, 2023 hearing. Counsel submitted two (2) photographs at that hearing. That charge is disallowed unless Counsel can justify the amount. The expense listed for June 13, June 14, and July 11 in the amount of \$153.21 is approved. The balance of the expenses submitted for a rental car, meals and gas during travel, conference room rental, and hotels in the amount of \$2,640.34 is disallowed. Court finds these expenses should have been pre-approved by the Court and are above and beyond what is necessary and justifiable. Attorneys fees and mileage to the law firm of Baldwin, Perry & Wiley, PC is approved in the amount of \$57,748.13. The Court disallows the attorneys fees to travel to Columbus, Georgia, and Montgomery, Alabama, as unreasonable and unnecessary. Therefore, Court authorizes payment to the law firm of Baldwin, Perry & Wiley, PC in the total amount of \$58,621.32.

SEPTEMBER 2023

Brad Rozzi files an [Amended Motion To Suppress Fruits of Search of 1967 Whiteman Drive, Delphi, Indiana](#) and [Exhibit](#); dated on September 13, 2023.

Brad Rozzi files a [Motion for Broadcasting Order](#) and [Exhibits](#); dated on September 13, 2023.

Baldwin and Rozzi file a [Motion For Franks Hearing](#) and [Exhibits](#); dated on September 18, 2023.

Brad Rozzi files a [Verified Motion for Immediate Transfer of Custody](#) dated on September 18, 2023.

Judge Gull enters a [Confidential Order](#); dated on September 20, 2023.

Court authorizes payment to Depos by the Bunch in the amount of \$1,504.80.

Judge Gull enters a [Confidential Order](#); dated on September 25, 2023.

Court takes the Invoice from Alvey for \$16,400 under advisement. Counsel has been previously advised to submit detailed invoices for payment of services in this cause. The detail is to include dates, times, service actually provided, and documentation of travel time, expenses, administrative time, etc.

Nick McLeland files the [State's Response to Defendant's Motion for Broadcasting Order](#); dated on September 25, 2023.

Nick McLeland files the [State's Second Objection to Defendant's Motion to Suppress](#); dated on September 25, 2023.

Nick McLeland files a **Motion for All Future Pleadings and Filings to be Sealed for the Court's Review Before Being Released to the Public**; dated on September 25, 2023.

Nick McLeland files a **Verified Request to Prohibit Public Access to a Court Record re: Motion for All Future Pleadings and Filings to be Sealed for the Court's Review Before Being Released to the Public**; dated on September 25, 2023.

Nick McLeland files the **State's Motion for Leave of Court to Subpoena Third-Party Records directed at Westville Correctional Facility for Richard Allen's [medical records](#)**; dated on September 25, 2023.

Nick McLeland files a **Subpoena Duces Tecum re: Motion for Leave of Court to Subpoena Third-Party Records directed at Westville Correctional Facility for Richard Allen's [medical records](#)**; dated on September 25, 2023.

Nick McLeland files the **State's Motion for Leave of Court to Subpoena Third-Party Records directed at Westville Correctional Facility for Richard Allen's [mental health records](#)**; dated on September 25, 2023.

Nick McLeland files a **Subpoena Duces Tecum re: Motion for Leave of Court to Subpoena Third-Party Records directed at Westville Correctional Facility for Richard Allen's [mental health records](#)**; dated on September 25, 2023.

OCTOBER 2023

Andrew Baldwin files a [Motion for Discovery Deadline](#); dated on October 2, 2023.

Brad Rozzi files a [Supplemental Motion for Franks Hearing](#); dated on October 2, 2023.

Andrew Baldwin files an [Additional Franks Notice](#); dated on October 3, 2023.

Brad Rozzi files a [Motion to Quash re: Subpoena Duces Tecum re: Motion for Leave of Court to Subpoena Third-Party Records directed at Westville Correctional Facility for Richard Allen's \[medical records\]\(#\)](#); dated on October 7, 2023.

Brad Rozzi files a [Motion to Quash re: Subpoena Duces Tecum re: Motion for Leave of Court to Subpoena Third-Party Records directed at Westville Correctional Facility for Richard Allen's \[mental health records\]\(#\)](#); dated on October 7, 2023.

Judge Gull enters a [Confidential Order](#); dated on October 9, 2023.

Court authorizes payment to Jodie Williams of \$948.75 for the cost of preparation of transcript of Hearing on Safekeeping Order held June 15, 2023.

Nick McLeland files the [State's Response to Defense's Verified Motion for Immediate Transfer](#) and [Exhibits](#); dated on October 10, 2023.

Nick McLeland files the [State's Response to Motion for Discovery](#); dated on October 10, 2023.

Judge Gull enters an [Order](#); dated on October 10, 2023.

The Court having reviewed Defendant Allen's Motion for Discovery Deadline, the Court now orders the following: without objection by the State. The State of Indiana must produce all discovery to defense counsel on or before November 1, 2023.

[letter from Richard Allen to the Court](#); dated on October 11, 2023.

[letter from Brad Rozzi to the Court](#); dated on October 12, 2023.

Judge Gull enters an [Order](#); dated on October 12, 2023.

On the Courts motion, this cause is ordered set for status hearing on October 19, 2023 at 2:00 p.m. in the Allen Superior Court. Counsel ordered to arrange their schedules to appear. The purpose of the hearing is to discuss the up coming hearing on October 31, 2023 and other matters which have recently arisen. Court will prepare a transport order to have Defendant appear.

Judge Gull enters a [Confidential Order](#); dated on October 12, 2023.

Court authorizes payment to Dr. Polly Wescott in the amount of \$3,025.00.

Judge Gull enters a **Transport Order**; dated on October 12, 2023.

Hearing Scheduling Activity; dated on October 12, 2023.

Status Hearing scheduled for 10/19/2023 at 2:00 pm.

Judge Gull enters a [Courthouse Management and Decorum Order For Hearing on October 19, 2023](#); dated on October 17, 2023.

Judge Gull enters an [Order](#); dated on October 17, 2023.

The Court has received multiple requests for various legitimate media outlets to record the Court proceedings to be conducted on October 19, 2023, at 2:00 pm (These requests are filed in the case with this Order). Pursuant to the Code of Judicial Conduct, Rule 2.17, a judge shall prohibit broadcasting, televising, recording, or taking photographs in the Courtroom. However, a judge may authorize the broadcasting, televising, recording, digital streaming, or photographing of court proceedings or the Courtroom by members of the news media under certain conditions. (Rule 2.17(3)(a)(b)). News media is defined as persons employed by or representing a newspaper, periodical, press association, radio station, television station, or wire service and covered by I.C. 34-46-4-1. All of the submitted requests meet this definition. Counsel for the State and the defense have been provided with these requests, and both have previously submitted pleadings stating their positions on cameras in the Courtroom. (See defense Motion for Broadcasting Order, filed September 13, 2023, and State's Response to Defendant's Motion for Broadcasting Order, filed September 25, 2023). The Court has determined that allowing recording of the October 19, 2023, hearing is permitted provided that the means of recording will not distract the participants or impair the dignity of the proceedings, and the hearing itself is a non-confidential proceeding. The Court, therefore, authorizes the recording and broadcasting of the hearing set for October 19, 2023. The Court WILL NOT permit photographing or digital streaming of the proceedings. All news media will be required to wear/display

identification and to wear appropriate attire. One or two cameras will be authorized for pool coverage of the hearing. Members of the general public are prohibited from broadcasting, recording, or photographing this proceeding. The Court will prohibit media broadcast during this hearing of attorney-client communications, bench conferences, and materials on counsel tables and the Court's bench. The Court has the sole discretion to interrupt or stop the coverage, or to limit or terminate the recording and broadcast by a news media organization at any time during the proceeding. The Court requests the media to become familiar with I.C. 34-46-4-1 and the Code of Judicial Conduct, Rule 2.17.

Status Hearing on October 19, 2023.

Session: 10/19/2023 2:00 pm, Rescheduled. Comment: To be held in Allen Superior D05.

David Hennessy files a [Limited Appearance](#) on behalf of Andrew Baldwin; dated on October 19, 2023.

David Hennessy files a [Memorandum Regarding Possible Disqualification or Sanctions](#); dated on October 19, 2023.

David Hennessy files the [Affidavit of Mitch Westerman](#); dated on October 19, 2023.

[Record of In Camera Proceedings Held on October 19, 2023](#) – Transcript

[Status Hearing Held on October 19, 2023](#) – Transcript by CrimeLights

Judge Gull enters an [Order](#); dated on October 19, 2023.

Court notes the following pleadings which may be resolved without further argument or hearing: 1. Defendant's Motion for Broadcasting Order is overbroad. The Court will consider broadcast requests by the

media (after notice to the Defense and the State) on a hearing-by-hearing basis. Therefore, the Motion for Broadcasting Order is denied. 2. Defendant's Motion to Quash Subpoenas (requested by the State for defendant's medical and mental health records) is granted as the State is not entitled to such records. 3. Defendant's Verified Motion for Immediate Transfer of Custody is denied based upon the State's Response and attached Affidavits. The Defense multiple Motions for a Franks Hearing remain unresolved as the Court is still reviewing the thousands of pages of exhibits attached to the Motions, as well as the multiple hours of digital evidence submitted by counsel. The Court will continue to review same. Defendant's Motion to Suppress and Supplemental Motions to Suppress, as well as the State's Responses, will be set for hearing upon resolution of the defense Franks Motions. Prior to the scheduled hearing this date, Attorneys Rozzi and Baldwin advise the Court they will be withdrawing their representation of the defendant. Court accepts their representations and orders them withdrawn from the cause. Counsel ordered to comply with the previously entered Protective Order on Discovery and are ordered to turn the discovery over in full to the State of Indiana to be made available to successor counsel. Court requests their cooperation with successor counsel in the best interests of their former client, but is not requiring them to cooperate. Court will maintain the hearing currently scheduled for October 31, 2023, at 9:00 a.m. in the Carroll Circuit Court for successor counsel to appear. Clerk of the Carroll Circuit Court ordered to remove Attorneys Baldwin and Rozzi as attorneys of record in this cause.

Hearing Scheduling Activity; dated on October 23, 2023.

Hearing scheduled for 10/31/2023 at 9:00 am.

Judge Gull enters a **Transport Order;** dated on October 24, 2023.

Brad Rozzi files a [Verified Notice of Continuing Representation](#); dated on October 25, 2023.

Brad Rozzi files a [Praecipe for Transcript](#); dated on October 25, 2023.

Brad Rozzi files a [Motion To Disqualify](#) and [Exhibits](#); dated on October 25, 2023.

Brad Rozzi files a [Motion For Continuance](#); dated on October 26, 2023.

David Hennessy files a [Motion to Reconsider](#); dated on October 27, 2023.

David Hennessy files a [Praecipe](#); dated on October 27, 2023.

Judge Gull enters an [Order](#); dated on October 27, 2023.

Court notes filings by former Attorney Rozzi on October 25, 2023, and takes no action. Attorney Rozzi withdrew from this matter on October 19, 2023, and is no longer counsel of record. These filings, therefore, are ordered stricken from the record. Clerk of the Court ordered to remove the pleadings from the electronic case file and the Chronological Case Summary as being filed in error.

Judge Gull enters an [Order](#); dated on October 27, 2023.

Defendant remains entitled to Court-appointed counsel. Court appoints Attorney Robert Scremin and Attorney William S. Lebrato as Contract Public Defenders to represent the defendant. Counsel ordered to enter their appearances as Public Defenders on behalf of the Defendant.

Judge Gull enters an [Order](#); dated on October 27, 2023.

The Court has received requests for media coverage of the October 31, 2023, 9:00 am. hearing from the following media outlets: NewsNation, Law and Crime, Court TV, and Channel 13 WTHR. In light

of the unauthorized filming and broadcasting of pre-hearing activities in the Courtroom on October 19, 2023, the Court denies these requests in full.

Robert Scremin files an [Appearance](#); dated on October 27, 2023.

Maggie Smith, Cara Wieneke, and Jessica Cook file a [Verified Petition For Writ of Mandamus and Prohibition for Case No. 23S-OR-00302](#); dated on October 30, 2023.

Maggie Smith, Cara Wieneke, and Jessica Cook prepare a [Proposed Order re: Permanent Writ of Mandamus for Case No. 23S-OR-00302](#); dated on October 30, 2023.

Maggie Smith, Cara Wieneke, and Jessica Cook file a [Relator's Brief In Support of Petition For Writs of Mandamus and Prohibition for Case No. 23S-OR-00302](#); dated on October 30, 2023.

Maggie Smith, Cara Wieneke, and Jessica Cook file an [Original Action Record of Proceedings for Case No. 23S-OR-00302](#); dated on October 30, 2023.

Loretta H. Rush enters an [Order from the Indiana Supreme Court for Case No. 23S-OR-00302](#); dated on October 30, 2023.

The Relator, Richard Allen, by counsel, has filed a verified petition for a writ of mandamus and prohibition, seeking relief under the rules governing original actions. Any briefs opposing issuance of the writ or any supplemental records must be filed directly with the Clerk of the Supreme Court on or before Thursday, November 9, 2023. Any supplemental record must be submitted in the same format required for the record under Original Action Rule 3(C) and (G). Once briefing is completed, the Court will take the matter under advisement. Done at Indianapolis, Indiana, on 10/30/2023.

Brad Rozzi files an [Appearance](#); dated on October 30, 2023.

Andrew Baldwin files an [Appearance](#); dated on October 30, 2023.

William Lebrato files an [Appearance](#); dated on October 30, 2023.

James Luttrull files an [Appearance](#); dated on October 30, 2023.

Hearing on October 31, 2023.

Session: 10/31/2023 9:00 am.

David Hennessy files his [Verified Supplementation of the Record](#); dated on October 31, 2023.

David Hennessy files his **Withdrawal of Limited Appearance**; dated on October 31, 2023.

Lebrato and Scremin file a [Motion for Continuance for Jury Trial](#); dated on October 31, 2023.

Hearing Scheduling Activity; dated on October 31, 2023.

Jury Trial originally scheduled on 01/08/2024 at 9:00 am was rescheduled to 10/15/2024 at 9:00 am. Reason: By Request.

NOVEMBER 2023

Judge Gull enters an [Order](#); dated on November 1, 2023.

Comes now David R. Hennessy, attorney of record for Andrew J. Baldwin, and having filed his Withdrawal of Limited Appearance. And the Court being duly advised in the premises now GRANTS said motion. IT IS THEREFORE ORDERED, ADJUGED AND DECREED by the Court that David R. Hennessy shall be removed as attorney of

record for Andrew J. Baldwin. IT IS SO ORDERED this 1st of November, 2023.

Judge Gull enters an [Order](#); dated on November 1, 2023.

Defendant appears in person with court appointed counsel Robert Scremin and William Lebrato. State by Prosecuting Attorney Nicholas McLeland and Special Prosecutor James Luttrell. Former counsel Rozzi and Baldwin also appear, having entered an appearance October 30, 2023. Attorney Scremin and Lebrato's Motion to Continue the jury trial heard and granted without objection by the State as defendant is accepting the Criminal Rule 4 time. Court then addresses former attorneys Baldwin and Rozzi's appearance. The Court previously found gross negligence by said attorneys in their representation of the defendant. Nothing has changed in the intervening twelve (12) days that removes the Court's grave concerns about their representation. Over Rozzi and Baldwin's strenuous objections, Court disqualifies them from representing the defendant and affirms the appointment of contract Public Defenders Scremin and Lebrato. Former attorneys represent to the Court they will return all discovery to the State of Indiana by the end of the week. Counsel ordered to do so to enable the State to provide that discovery to Attorneys Scremin and Lebrato. Court encourages former attorneys to cooperate with Attorneys Scremin and Lebrato for the benefit of the defendant. Court notes two (2) pending motions (Motion to Suppress, Motion for Franks Hearing) and will await a report from Attorneys Scremin and Lebrato and Prosecuting Attorney McLeland regarding hearing dates. Baldwin's attorney, Hennessey, addresses the Court at Baldwin's request. Jury trial scheduled for October 15 - November 1, 2024, with jury selection to be conducted in Allen County and trial in Carroll County.

Cara Wieneke files a [Limited Appearance](#) For The Purpose of Requesting Transcripts [for Case No. 23S-OR-00302](#); dated on November 2, 2023.

Cara Wieneke files [Defendant's Motion for Transcripts for Case No. 23S-OR-00302](#); dated on November 2, 2023.

Matthew Gutwein and Christopher Stake enter their [Appearance](#); dated on November 3, 2023.

Matthew Gutwein and Christopher Stake file an [Unopposed Motion for Extension of Time to Respond to Petition for Writs of Mandamus and Prohibition for Case No. 23S-OR-00302](#); dated on November 3, 2023.

Loretta H. Rush enters an [Order for Case No. 23S-OR-00302](#); dated on November 3, 2023.

On October 30, 2023, the Court set a briefing schedule in this matter requiring that any briefs opposing issuance of the writ must be filed directly with the Clerk of the Supreme Court on or before Thursday, November 9, 2023. Respondents, by counsel, have requested an extension of this deadline. In their motion, Respondents indicate that the Office of the Indiana Attorney General declined to represent Respondents in this matter; Respondents engaged new counsel on November 3, 2023; and counsel will require additional time to adequately respond to the issues presented in Relator's petition. Being duly advised, the Court GRANTS Respondents' "Unopposed Motion for Extension of Time to Respond to Petition for Writs of Mandamus and Prohibition." Any briefs opposing issuance of the writ or any supplemental records must be filed directly with the Clerk of the Supreme Court on or before Thursday, November 16, 2023. Any supplemental record must be submitted in the same format required for the record under Original Action Rule 3(C) and (G). Once briefing is completed, the Court will take the matter under advisement. Done at Indianapolis, Indiana, on 11/3/2023.

Attorneys for IDOC file their **Motion to Withdraw Appearance**; dated on November 3, 2023.

Mark Leeman files a [Motion for Transcript for Case No. 23S-OR-00311](#); dated on November 6, 2023.

Mark Leeman and Cara Wieneke file a [Relator's Brief in Support of Petition for Writ of Mandamus for Case No. 23S-OR-00311](#); dated on November 6, 2023.

Mark Leeman and Cara Wieneke prepare a [Proposed Order re: Emergency Writ for Case No. 23S-OR-00311](#); November 6, 2023.

Bernice Corley and Joel Schumm file a [Motion to Appear as Amicus Curiae for Case No. 23S-OR-00311](#); dated on November 6, 2023.

Loretta H. Rush enters an [Order for Case No. 23S-OR-00311](#); dated on November 6, 2023.

The Relator, Richard Allen, by counsel, has filed a verified petition for an emergency writ of mandamus and prohibition, seeking relief under the rules governing original actions. Any briefs opposing issuance of the writ or any supplemental records must be filed directly with the Clerk of the Supreme Court on or before Thursday, November 16, 2023. Any supplemental record must be submitted in the same format required for the record under Original Action Rule 3(C) and (G). Once briefing is completed, the Court will take the matter under advisement. Done at Indianapolis, Indiana, on 11/6/2023.

Loretta H. Rush enters an [Order for Case No. 23S-OR-00311](#); dated on November 8, 2023.

On November 6, 2023, Relator, by counsel, filed a verified petition for an emergency writ of mandamus and prohibition, and later that day, we ordered that any briefs opposing issuance of the writ or any supplemental records be filed on or before Thursday, November 16, 2023. Relator, by counsel, also filed with this Court a "Motion for

Transcript." In the motion, Relator states that when counsel attempted to arrange for preparation of an expedited transcript of an in-chambers proceeding held on October 19, 2023, counsel were informed that the proceeding was not a hearing in open court, was confidential, and a transcript could not be provided. Being duly advised, the Court ORDERS Respondents to either file a response to Relator's "Motion for Transcript" with the Clerk of this Court on or before Thursday, November 16, 2023, or to include the requested transcript as a supplemental record filed pursuant to Original Action Rules 3(C) and (G) and this Court's order of November 6, 2023. Done at Indianapolis, Indiana, on 11/8/2023.

Attorneys for Judge Gull file a [Motion For Extension of Time to Respond to Petition for Writ of Mandamus and Motion for Transcript for Case No. 23S-OR-00311](#); dated on November 9, 2023.

Loretta H. Rush enters an [Order for Case No. 23S-OR-00311](#); dated on November 9, 2023.

On November 6, 2023, Relator, by counsel, filed a verified petition for an emergency writ of mandamus and prohibition, and later that day, we ordered that any briefs opposing issuance of the writ or any supplemental records be filed on or before Thursday, November 16, 2023. Relator, by counsel, also filed with this Court a "Motion for Transcript." In the motion, Relator states that when counsel attempted to arrange for preparation of an expedited transcript of an in-chambers proceeding held on October 19, 2023, counsel were informed that the proceeding was not a hearing in open court, was confidential, and a transcript could not be provided. Being duly advised, the Court ORDERS Respondents to either file a response to Relator's "Motion for Transcript" with the Clerk of this Court on or before Thursday, November 16, 2023, or to include the requested transcript as a supplemental record filed pursuant to Original Action Rules 3(C) and

(G) and this Court's order of November 6, 2023. Done at Indianapolis, Indiana, on 11/8/2023.

Judge Gull enters an [Order](#); dated on November 14, 2023.

The Court has recently reviewed the Chronological Case Summary (CCS) in this cause and notes that the Clerk of the Court has not yet made available to the public on the CCS the 118 documents previously made remotely accessible by Court Order of June 28, 2023. The Court previously created a website for these documents as a convenience to the public and the Clerk and to ensure the public had prompt remote access to these documents. The Clerk is ordered to enter these documents on the CCS forthwith. The Clerk is further ordered to unseal the June 20, 2023, filing by the Carroll County Sheriff and the July 5, 2023, letter from a Department of Correction inmate and place same on the CCS. The Court further notes that a Motion for Franks Hearing, and accompanying documents filed by former attorneys on September 18, 2023 (including the Franks Motion, Memorandum in Support of Motion and Exhibits List) are marked as confidential on the CCS as counsel failed to supply a redacted version at the time of filing. On October 31, 2023, the Court ordered defendant's new counsel to review the pleadings and discovery and either adopt those pleadings or make their own. If counsel adopts same, they are ordered to file a redacted version of the pleadings. If defendant's new counsel inform the Court they intend to pursue the Franks Motion, the Court will schedule a hearing. Finally, the Clerk is ordered to place and make accessible on the CCS former attorneys' pleadings of October 25, 2023, and October 26, 2023. As noted in its prior order, the Court considers these pleadings stricken from the record and will not consider those pleadings as the attorneys who filed same are no longer counsel of record.

Indiana Media Coalition files a [Motion For Leave To Appear As Amici Curiae for Case No. 23S-OR-00302](#); dated on November 16, 2023.

Chief Counsel of Appeals, Angela N. Sanchez, files a [Verified Motion To Clarify Deadline for Response by State of Indiana for Case No. 23S-OR-00311](#); dated on November 16, 2023.

Attorneys for Judge Gull file [Respondent's Brief In Opposition To Relator's Verified Petition For Writ of Mandamus and Prohibition for Case No. 23S-OR-00302](#); dated on November 16, 2023.

Judge Gull enters an [Order](#); dated on November 17, 2023.

Hannah M. Deters, having filed her motion to withdraw her appearance in this matter, and the Court, having reviewed the motion, now GRANTS the motion. IT IS THEREFORE ORDERED that the appearance of Hannah M. Deters, on behalf of the Non-Parties, Westville Correctional Facility and Indiana Department of Correction, is hereby withdrawn and removed from the distribution list. The appearance of Deputy Attorney General Aaron M. Ridlen for the Non-Parties, Westville Correctional Facility and Indiana Department of Correction, will remain in effect. SO ORDERED on November 17, 2023.

Attorneys for Judge Gull file [Respondent's Supplemental Record Volume 1 of 1 for Case No. 23S-OR-00311](#); dated on November 20, 2023.

Attorneys for Richard Allen file [Relator's Response To Respondent's Objection for Case No. 23S-OR-00302](#); dated on November 21, 2023.

Loretta H. Rush enters an [Order for Case No. 23S-OR-00302](#); dated on November 22, 2023.

On October 30, 2023, the relator, by counsel, petitioned for a writ of mandamus and prohibition, seeking relief under the Rules of Procedure for Original Actions. On November 16, 2023, Respondents, by counsel, filed a brief opposing the petition. The relator has moved to file a brief replying to the respondents' brief. Although the Rules of

Procedure for Original Actions do not afford a relator the right to file a reply after the respondents have opposed issuance of a writ, the Court retains the authority to permit deviation from the rules and chooses to do so here. Being duly advised, the Court GRANTS the relator's "Motion for Leave to Respond to Respondent's Objections." The Clerk is instructed to file the relator's "Response to Respondent's Objections" as of the date of this order. Done at Indianapolis, Indiana, on 11/22/2023.

Attorneys for Judge Gull file [Respondent's Brief in Opposition to Relator's Verified Petition for Writ of Mandamus for Case No. 23S-OR-00311](#); dated on November 27, 2023.

Todd Rokita files [Indiana Attorney General's Response To Relator Richard Allen's Petition For a Writ of Mandamus for Case No. 23S-OR-00311](#); dated on November 27, 2023.

Cara Wieneke files her [Notice of Completion of Representation for Case No. 23S-OR-00302](#); dated on November 28, 2023.

Cara Wieneke and Mark Leeman file a [Relator's Motion for Leave to File Response to Respondent's and Attorney General's Objections for Case No. 23S-OR-00311](#); dated on November 30, 2023.

Cara Wieneke and Mark Leeman file a [Relator's Response to Respondent's and Attorney General's Objections for Case No. 23S-OR-00311](#); dated on November 30, 2023.

Cara Wieneke and Mark Leeman file a [Second Supplemental Record of Proceedings Volume 1 for Case No. 23S-OR-00311](#); dated on November 30, 2023.

DECEMBER 2023

Todd Rokita files a [Notice to Court Regarding Transfer of Defendant](#); filed on December 7, 2023

Loretta H. Rush enters a [Notice of Hearing for Case No. 23S-OR-00311](#); dated on December 11, 2023.

The Supreme Court will hear oral argument on the Relator's second application for writ of mandamus and prohibition in State ex rel. Allen, 23S-OR-311, on January 18, 2024, at 11:00 a.m. Relator seeks a writ from this Court reinstating his former counsel, setting trial within seventy days, and removing the trial judge and appointing a special judge. The argument will be conducted in the Courtroom of the Indiana Supreme Court, 317 Statehouse, 200 West Washington Street, Indianapolis, Indiana. The argument will be 60 minutes, equally divided between Relator and the parties opposing the writ. Any entity granted amicus curiae status may argue without further motion, but only with the consent of the party with whom the amicus curiae is substantively aligned. The Relator shall open the argument and may conclude the argument by reserving part of the Relator's time for rebuttal before beginning the argument. Notwithstanding Orig. Act. R. 4(C), appearance by the Respondents or counsel is required. Attorneys of record shall file an acknowledgment of the hearing no later than five (5) days after service of this order, and should arrive at least twenty (20) minutes before the scheduled start of the argument to complete an appearance form. Done at Indianapolis, Indiana, on 12/11/2023. All Justices concur.

Loretta H. Rush enters an [Order for Case No. 23S-OR-00302](#); dated on December 11, 2023.

Published Order Denying Writ of Mandamus and Prohibition Richard Allen has petitioned this Court under the Rules of Procedure for Original Actions for a writ of mandamus and prohibition. He requests that we (1) order the trial court to reinstate several court records as

publicly accessible documents on the Chronological Case Summary ("CCS") and the electronic case file, (2) prohibit the trial court from ordering the removal of any court records filed in this case from the CCS and the electronic case file, and (3) prohibit the trial court from excluding from public access any court records without complying with the requirements of our Rules on Access to Court Records ("A.C.R. Rules"). Allen argues our intervention is necessary because the trial court has failed to perform the clear, absolute duty imposed by our rules to ensure public access to court records. We first explain why Allen has failed to show that our intervention is warranted. And we then provide guidance about the requirements in our A.C.R. Rules. Original actions are viewed with disfavor and may not be used as substitutes for appeals. Ind. Original Action Rule 1(C). Because a writ is an extraordinary remedy, we will not issue a writ unless the party seeking relief "can show a clear and obvious emergency where the failure of this Court to act will result in substantial injustice." State ex rel. City of New Haven v. Allen Super. Ct., 699 N.E.2d 1134, 1136 (Ind. 1998). Allen has not made the requisite showing here. The requests that prompted this petition have largely been resolved, and thus mooted, by the trial court's order entered on November 14, 2023. This order directed the trial clerk to take specific actions: (1) placing on the CCS 118 individual documents that were previously made remotely accessible by court order in June 2023; (2) unsealing two filings from June and July 2023 and placing them on the CCS; and (3) placing pleadings that Allen's former counsel filed in October 2023 on the CCS and making them accessible to the public. Along with reinstating these excluded documents to the CCS, the November 14 order reflects the court's intention to comply with the A.C.R. Rules going forward. If there are any remaining concerns about access to court records here, interested parties should first seek relief in the trial court and then pursue an appeal if necessary. We now take this opportunity to clarify the requirements in our A.C.R. Rules, which recognize the "strong societal reasons for allowing public access to court records." Ind.

Access to Court Records Rule 1, Commentary. The A.C.R. Rules presume the public will have open access to court records with limited exceptions. Those exceptions are found in Rule 5, which identifies two types of records that are excluded from public access. First, Rule 5(A) sets out several categories of entire cases excluded from public access, including when either statute or court rule requires the records to be treated as confidential. For these records, exclusion from public access is automatic, and no other notice is required. Second, Rule 5(B) sets out thirteen types of individual case records excluded from public access. For records falling under this rule, documents must be filed as confidential and include an "ACR Form" identifying the specific basis for exclusion. Aside from these two exceptions, Rule 6 permits a trial court to exclude otherwise public court records from public access only in extraordinary circumstances and by following the rule's process. That process requires any person affected by the release of the court record to make a written request to prohibit public access, which must give notice to the parties and allow them twenty days to respond. And before a trial court excludes the requested record, it must hold a public hearing and issue a written order explaining why it is granting the request. A.C.R. Rules 6(C) (D). We expect all Indiana courts to comply with these rules. The Justices of this Court have reviewed the briefs and other filed materials and conferred with each other. Because Allen bore the burden to persuade this Court to issue a writ and he has not done so, the petition is DENIED. This disposition is final. No petitions for rehearing or motions to reconsider shall be filed in this original action. See Orig. Act. R. 5(C). Done at Indianapolis, Indiana, on 12/11/2023. All Justices concur.

letter from Robert Baston to the Court; filed on December 12, 2023.

JANUARY 2024

Judge Gull enters an **Order**; dated on January 2, 2024.

Correspondence from Inmate Robert Baston received and reviewed. Court takes no action on the correspondence as it has nothing to do with this cause (despite the inmate attempting to file it under this cause number). Additionally, the inmate is complaining about conditions within the Department of Correction; this Court has no jurisdiction to address the inmate's complaints.

Judge Gull enters a [Confidential Order](#); dated on January 3, 2024.

Court orders the Auditor of Carroll County to pay the retainer fee of \$7000 to Dr. Wescott pursuant to the ex parte order of June 16, 2023, which is enclosed.

Judge Gull enters a [Confidential Order](#); dated on January 3, 2024.

Court authorizes payment to Investigator Suzanne Moller for services and expenses in the amount of \$2,689.33. (October 31, 2023-November 27, 2023).

Judge Gull enters a [Confidential Order](#); dated on January 3, 2024.

Court authorizes payment to Attorney Robert Scremin for attorney fees, expenses, and mileage in the amount of \$4,192.37.

Judge Gull enters a [Confidential Order](#); dated on January 3, 2024.

Court orders payment to Gail Mali Armstrong in the amount of \$840.80 for transcription services.

Judge Gull enters a [Confidential Order](#); dated on January 3, 2024.

Court authorizes attorney fees and mileage to the law firm of Baldwin, Perry and Wiley for services from August 24, 2023, through October 19, 2023, in the amount of \$49,843.35.

Judge Gull enters a [Confidential Order](#); dated on January 3, 2024.

Court authorizes administrative expenses in the amount of \$2,092.24, payable to the law firm of Baldwin, Perry, and Wiley for work done August 28, 2023, through October 3, 2023.

Judge Gull enters a [Confidential Order](#); dated on January 3, 2024.

Court authorizes payment to Matthew Hoffman for investigator services in the amount of \$6,000 for services December 2022 through August 12, 2023. Auditor ordered to pay same to Matthew Hoffman.

Robert Scremin files a [Motion to Transfer](#) and [Exhibits](#); dated on January 12, 2024.

Judge Gull enters a [Confidential Order](#); dated on January 12, 2024.

Court authorizes payment to Investigator Suzanne Moller in the amount of \$1,165 for services covering the period of December 5, 2023, through December 29, 2023.

Nick McLeland writes up [Amended Charges](#) and a Proposed Order to file on the day of Oral Arguments; dated on January 13, 2024.

Nick McLeland files the [State's Motion for Leave to Amend Charging Information](#); dated on January 18, 2024.

[Indiana Supreme Court Oral Arguments on January 18, 2024 for Case No. 23S-OR-00311](#) – Transcript by CrimeLights

Loretta H. Rush enters an [Order for Case No. 23-OR-0311](#); dated on January 18, 2024.

The relator, Richard Allen, seeks relief from this Court under the Rules of Procedure for Original Actions. Relator has requested a permanent writ of mandamus asking this Court to: (1) order the trial court to reinstate his former trial counsel, attorneys Andrew Baldwin and Brad

Rozzi, as his court-appointed counsel; (2) order the trial court to commence Relator's trial within 70 days from the issuance of the writ; and (3) remove the special judge from Relator's case and appoint a new special judge. Having considered the written submissions and having heard the arguments of counsel, a majority of the Court votes to GRANT the petition for writ as to Relator's request to reinstate attorneys Baldwin and Rozzi as his court-appointed counsel. The Court unanimously DENIES all other relief sought. The Court will promptly issue a written opinion explaining its reasons. The pendency of this matter in this Court does not stay the proceedings in the trial court. Done at Indianapolis, Indiana, on 1/18/2024.

Andrew Baldwin files his [Appearance](#); dated on January 19, 2024.

Brad Rozzi files his [Appearance](#); dated on January 19, 2024.

Judge Gull enters an [Order](#); dated on January 22, 2024.

The Court, having had defendant's Motion for Franks Hearing (filed September 18, 2023), the Memorandum in Support of the Accused's Motion for Franks Hearing (filed September 18, 2023), defendant's Supplemental Motion for Franks Hearing (filed October 2, 2023), Defendant's Additional Franks Notice (filed October 3, 2023), the State's Objection to Defendant's Motion to Suppress (filed June 13, 2023), and the State's Second Objection to Defendant's Motion to Suppress (filed September 25, 2023) under advisement, now denies the Defendant's Motion for a Franks Hearing. The Court finds the Affidavit submitted in support of the issuance of the search warrant contained information that a reasonable belief existed that evidence of the murders would be found in the defendant's home and vehicles. The Court does not find that the Affidavit submitted false statements or that the Affiant omitted statements with reckless disregard, nor does the Court find that the Affiant intended to mislead the Judge by failing to present information. As the Court has found the Affidavit for

issuance of the search warrant was valid, the search itself was reasonable and legal under Indiana law and Fourth Amendment case law. Defendant's Motion to Suppress Fruits of Search of 1967 North Whiteman Drive, Delphi, IN (filed May 19, 2023) is also denied based upon all the pleadings, memorandums, and exhibits previously submitted in support of the request for a Franks hearing. Defendant's Motion in Limine Regarding Ballistics (filed June 13, 2023) is reviewed and denied without hearing. The Court finds the evidence contained in Defendant's Exhibits A and B attached to the Motion is relevant and admissible. The Court further finds the probative value of such evidence is not substantially outweighed by its prejudicial impact, and that the evidence will not confuse or mislead the jury. Defendant's Motion to Transfer (filed January 12, 2024) taken under advisement pending the State's response, if any, and a hearing to be set. State's Motion to Amend Information (filed January 18, 2024) will be set for a remote hearing.

William Lebrato files his [Motion to Withdraw Appearance](#); dated on January 24, 2024.

Robert Scremin files his **Motion to Withdraw Appearance**; dated on January 24, 2024.

Nick McLeland files the [State's Motion to Compel Discovery](#) while sitting on mountains of exculpatory discovery; dated on January 27, 2024.

Andrew Baldwin files the [Affidavit of Richard Allen](#) and [Certification of Richard Allen's Attorneys](#); dated on January 27, 2024.

Andrew Baldwin files a [Verified Motion to Disqualify](#); dated on January 28, 2024.

Nick McLeland files the [State's Response to Defense's Motion for Transfer](#) and [Exhibits](#); dated on January 29, 2024.

Nick McLeland files [Verified Information of Contemptuous Conduct](#) and [Exhibit](#); dated on January 29, 2024.

Judge Gull enters an [Order](#); dated on January 29, 2024.

COME NOW William S. Lebrato and Robert C. Scremin and move the Court to withdraw their appearance as counsel for the Defendant. The Court, having reviewed said motion and being duly advised in the premises, hereby GRANTS said motion. It is therefore, ORDERED, ADJUDGED and DECREED that said withdrawal is effective forthwith.

FEBRUARY 2024

Judge Gull enters an [Order](#); dated on February 1, 2024.

Court orders the State's Motion to Amend Information, filed January 18, 2024, and the State's Verified Information of Contemptuous Conduct, filed January 29, 2024, set for hearing on February 12, 2024, at 9:00 am in the Allen Superior Court. Court will issue a Transport Order to have the defendant present.

Judge Gull enters a **Transport Order**; dated on February 1, 2024.

Brad Rozzi files a [Motion to Continuance](#); dated on February 2, 2024.

Robert Scremin's **Notice of Exclusion** for his January 12, 2024 Motion to Transfer is finally properly filed by the Court on February 2, 2024.

Brad Rozzi files a [Motion to Continuance](#); dated on February 5, 2024.

Hearing Scheduling Activity; dated on February 5, 2024.

Hearing scheduled for 02/12/2024 at 9:00 am.

Andrew Baldwin files a [Motion to Vacate Hearing](#); dated on February 5, 2024.

David Hennessy files a [Limited Appearance](#); dated on February 6, 2024.

Judge Gull enters an [Order](#); dated on February 6, 2024.

The Court, having defendant's Verified Motion to Disqualify (filed January 28, 2024), Defendant's Affidavit (filed January 28, 2024), and Certification of Richard Allen's Attorneys (filed January 28, 2024) under advisement and having considered the pleadings, now denies the Verified Motion to Disqualify without hearing as the Indiana Supreme Court unanimously denied Defendant's previous request on January 18, 2024.

Michael Ausbrook files an **Appearance**; dated on February 7, 2024.

Andrew Baldwin files a [Motion To Dismiss For Destroying Exculpatory Evidence](#); dated on February 7, 2024.

Andrew Baldwin files a [Memorandum of Law in Support of Dismissal](#); dated on February 7, 2024.

Michael Ausbrook files [Defendant's Counsel's Motion for Summary Denial of the State's Verified Information for Contemptuous Conduct](#); dated on February 7, 2024.

Hearing Scheduling Activity; dated on February 8, 2024.

Hearing originally scheduled on 02/12/2024 at 9:00 am was rescheduled to 03/18/2024 at 9:00 am. Reason: By Request.

[Memorandum from the Indiana Supreme Court for Case No. 23S-OR-00311](#); dated on February 8, 2024.

Judge Gull enters an **Order**; dated on February 8, 2024

The Court, having taken defendant's Motion to Transfer under advisement, and having reviewed the State's Response to Defense's Motion for Transfer, now denies the Motion to Transfer without hearing.

Judge Gull enters an **Order**; dated on February 8, 2024.

Court orders defendant to respond to the State's Motion to Compel Discovery on or before February 21, 2024, or provide the discovery requested.

Judge Gull enters an **Order**; dated on February 8, 2024.

Defendant's Motion to Continue the hearing scheduled for February 12, 2024, reviewed and granted without hearing. Transport order will be cancelled. Hearing reset to March 18, 2024, at 9 am in Allen Superior Court, Fort Wayne, Indiana. Court to notify and Court will reissue the transport order.

David Hennessy files a [Petition For Clarification Regarding Contempt Hearing](#); dated on February 12, 2024.

Nick McLeland files the [State's Notice and Request for Discovery Cutoff Date](#); dated on February 14, 2024.

Judge Gull enters a **Transport Order**; dated on February 14, 2024.

The Court orders the Sheriff of Carroll County, Indiana, to transport the Defendant from the Indiana Department of Correction to the Allen Superior Court for hearings to be held on March 18, 2024, at 9:00 am and 2:00 p.m. and return him forthwith.

Judge Gull enters an **Order**; dated on February 15, 2024.

Defendant's Counsel's Motion for Summary Denial of the State's Verified Information for Contemptuous Conduct reviewed and denied without hearing.

Judge Gull enters an [Order](#); dated on February 15, 2024.

Defense Counsel's Petition for Clarification Regarding Contempt Hearing, filed by Attorney Hennessy, reviewed. The Court has scheduled a hearing on the State's pleading, and therefore denies the Petition without hearing.

David Hennessy files a [Request To Allow Electronic Devices At Hearing](#); dated on February 15, 2024.

Defense files a **Notice of Depositions By Non-Stenographic Means**; dated on February 16, 2024.

Defense files a **Subpoena Duces Tecum** re: Detective Ben Rector; dated on February 16, 2024.

Defense files a **Subpoena Duces Tecum** re: Mitch Westerman; dated on February 16, 2024.

Defense files a **Subpoena Duces Tecum** re: Jerry Holeman; dated on February 16, 2024.

Defense files a **Subpoena Duces Tecum** re: Steven Mullin; dated on February 16, 2024.

Brad Rozzi files a [Praeceptum for Transcript](#); dated on February 19, 2024.

Brad Rozzi files a [Praeceptum for Transcript \(Amended\)](#); dated on February 19, 2024.

Andrew Baldwin files [Accused's Response to State's Motion to Compel Discovery](#); dated on February 19, 2024.

Nick McLeland files the [State's Objection to Defendant's Response on Discovery](#); dated on February 21, 2024.

Judge Gull enters a [Confidential Order](#); dated on February 21, 2024.

Court Orders the Auditor of Carroll County to pay William Lebrato the amount of \$22,837.76 as approved attorney fees and expenses for the time period covering October 27, 2023, through December 31, 2023. Court further Orders the Auditor of Carroll County to pay Suzanne Moller the amount of \$2,725.00 as approved investigative services fees for the time period covering December 30, 2023, through February 1, 2024. Court lastly Orders the Auditor of Carroll County to pay Robert Scremin the amount of \$4,250.18 as approved attorney fees and mileage for the time period covering November 28, 2023, through February 2, 2024.

Nick McLeland files the [State's Response to Defendant's Motion to Dismiss for Destroying Exculpatory Evidence](#); dated on February 22, 2024.

David Hennessy files a [List of Witnesses and Exhibits for Contempt Hearing](#); dated on February 22, 2024.

Notice Filed; dated on February 22, 2024.

Notice of mailing of transcripts to B. Rozzi.

Judge Gull enters an **Order**; dated on February 22, 2024.

Counsel for defense attorneys Request to Allow Electronic Devices at Hearing, filed February 15, 2024, reviewed and denied without hearing. Counsel may contact the Court Executive for information regarding his request.

Judge Gull enters an **Order**; dated on February 22, 2024.

The Court has reviewed the Accused's Response to State's Motion to Compel Discovery, filed February 19, 2024, and the State's Objection to Defendant's Response on Discovery filed February 21, 2024. It is reasonable for defense counsel to provide the discovery requested, and the Court, therefore, orders defense counsel to provide discovery to the State of Indiana on or before March 8, 2024. As the State has advanced no legal authority to support its request to the Court to force defense counsel to provide deposition exhibits in advance, the Court will not compel defense counsel to provide such exhibits.

Judge Gull enters an **Order**; dated on February 22, 2024.

The Court, having reviewed the State's Notice and Request for Discovery Cutoff Date, filed February 14, 2024, and the Defendant's List of Witnesses and Exhibits for Contempt Hearing, filed February 22, 2024, now orders counsel for the defense attorneys to provide to the State of Indiana all the exhibits intended to be introduced at the hearing on March 18, 2024, on or before March 7, 2024.

Defense files a **Verified Ex Parte Motion for Hearing on Funding for Expert Services**; dated on February 24, 2024.

Defense files an [Ex Parte Pleading to be Placed Under Seal](#); dated on February 26, 2024.

Judge Gull enters an [Order](#); dated on February 29, 2024.

The Court has received and reviewed 4 Requests for Recording of Court Proceedings by News Media relating to the hearing to be conducted on March 18, 2024. Having reviewed the requests, the Court now denies the requests and notifies counsel by way of this Order.

MARCH 2024

Richard Allen's defense attorneys file a [Motion for Early Trial](#); March 6, 2024.

Nick McLeland files a third [Motion for Leave of Court to Subpoena Third-Party Records directed at Westville Correctional Facility for Richard Allen's mental health records](#); dated on March 6, 2024.

Judge Gull enters an **Ex Parte Order**; dated on March 7, 2024

Judge Gull enters an **Order**; March 7, 2024.

Attorney Hennessey's Verified Motion to Extend Discovery Deadline reviewed and denied without hearing.

Judge Gull enters an **Order**; March 7, 2024.

The Court having reviewed Defendant's Motion for Early Trial, now grants said Motion and sets this matter for Jury Trial on May 13-31, 2024, at 8:30 am.

David Hennessy files a Verified [Motion To Extend Discovery Deadline](#); dated on March 7, 2024.

David Hennessy files a [List of Additional Witnesses And Exhibits For Contempt Hearing](#); dated on March 7, 2024.

Judge Gull enters a [Confidential Order](#); dated on March 7, 2024

The Court, having taken defendant's Verified Ex Parte Motion for Hearing on Funding for Expert Services, filed February 24, 2024, under advisement, and having been duly advised, now grants in part, and denies in part defendant's Motion. The Court will authorize a \$900 fee for a two-hour visit with Dr. Polly J. Wescott, clinical psychologist, with Attorneys Rozzi and Baldwin. Counsel has requested the Court authorize additional authorization of \$450 per hour for Dr. Wescott to

review medical records, videos, and interviews. That unsupported request is denied as an unreasonable expenditure of county funds. The Court will authorize services of private investigator Brian Alvey at the hourly rate of \$40. However, for the Court to approve any invoice, the investigator must provide the following information: date service is provided, type of service provided, what the service entails, and the amount of time necessary for the service. The Court has previously rejected generic invoices as unsupported and will continue that practice. The Court will authorize payment of \$3,712.50 to Dan Smith, digital forensic expert. The Court will not authorize additional expenditures for Dan Smith at his hourly rate of \$165 as unsupported. The Court will authorize payment of \$2,550 to Dr. Eric Warren for tool mark analysis. The Court will not authorize additional expenditures for Dr. Warren at his hourly rate of \$300 as unsupported. The Court has previously addressed the invoices of Matthew Hoffman, characterized as an in-office assistant to Rozzi and Baldwin. Said invoices have been woefully inadequate and unsupported. The Court will not authorize additional expenditures of \$15 per hour for Mr. Hoffman for that reason. The Court will not authorize additional expenditures to Max Baker, in-office assistant of Rozzi, as unsupported. The Court may authorize additional expenditures for paralegal services upon presentation of proper invoices. The Court will not authorize additional expenditures for a consulting pathologist with an hourly rate of \$400-800 as unsupported. The Court will not authorize expenditure of \$550 per hour for a "confession expert" as unsupported.

[correspondence from Fig.solves to Judge Gull](#); dated on March 8, 2024.

Hearing Scheduling Activity; dated on March 11, 2024.

Jury Trial originally scheduled on 10/15/2024 at 9:00 am was rescheduled to 05/13/2024 at 8:30 am. Reason: By Request.

Judge Gull enters an [Order](#); March 11, 2024.

Court orders correspondence from Melinda Gibbs to the Court, dated March 11, 2024, copied and sent to counsel of record and to the Clerk of Carroll Circuit Court.

Judge Gull enters an [Order](#); March 11, 2024.

Court orders the correspondence from Frank Wesseling to Judge Gull on March 11, 2024, copied and sent to counsel of record and the Clerk of Carroll Circuit Court.

Judge Gull enters an **Order**; March 11, 2024.

Court orders the communication received from Gary Beaudette to Judge Gull on March 8, 2024, copied and sent to counsel of record and the Clerk of Carroll Circuit Court.

David Hennessy files a [List of Additional Witnesses And Exhibits For Contempt Hearing](#); dated on March 12, 2024.

David Hennessy files a [Motion For Specific Findings of Fact and Conclusions Thereon](#); dated on March 12, 2024.

David Hennessy files a [Motion To Stay All Ancillary Proceedings And Get This Case Go Trial](#); dated on March 12, 2024.

David Hennessy files an [Objection To Change of Venue](#); dated on March 12, 2024.

David Hennessy files a [Verified Petition For Recusal From Contempt Proceedings](#); dated on March 12, 2024.

David Hennessy files a [Verified Petition For Recusal of Prosecutor From Contempt Proceedings](#); dated on March 12, 2024.

Andrew Baldwin files a [Motion To Compel and Request for Sanctions](#) and [Exhibit](#); dated on March 12, 2024.

David Hennessy files a [Verified Emergency Motion For Continuance](#); dated on March 13, 2024.

David Hennessy files a [Supplement to Verified Emergency Motion For Continuance](#); dated on March 13, 2024.

Andrew Baldwin files a [Richard Allen's Third Franks a Notice And Request For Franks Hearing Based Upon Newly Discovered Evidence and Request For Findings of Facts and Conclusions of Law Upon Any Ruling on This Request](#); dated on March 13, 2024.

Judge Gull enters a [Confidential Order](#); dated on March 13, 2024.

Court authorizes payment of \$2,443.95 to Depos by the Bunch for Invoice Number 230215 (3/11/24) and Invoice Number 230216 (3/11/24).

Judge Gull enters a [Confidential Order](#); dated on March 13, 2024.

Court authorizes payment of administrative expenses in the amount of \$3,271.85 for Invoice #2832, dated October 4, 2023, covering the time period of August 15, 2023 through October 4, 2023. Court disallows expenditure of \$27.20 for conferences with media outlets.

Judge Gull enters a [Confidential Order](#); dated on March 13, 2024.

Court authorizes payment of attorneys fees in the amount of \$20,950 for Invoice #2832, dated October 4, 2023, covering the time period of August 11, 2023 through October 4, 2023. Court disallows expenditure of \$800 on September 1, 2023, for travel from Memphis to Logansport.

[Jury questions for May 2024 trial](#); sent out around March 14, 2024.

Judge Gull enters an **Order**; March 14, 2024.

Court has received a Request for Recording of Court Proceedings by News Media from Jeff Wehe [sic] (WANE 15) and denies same.

Judge Gull enters an **Order**; March 14, 2024.

Ex parte communication received from Frank Wesseling and ordered copied and sent to counsel of record and the Clerk of Carroll Circuit Court for filing.

Judge Gull enters an **Order**; March 14, 2024.

Ex parte e-mail communication dated March 11, 2024, from Anthony Greeno ordered copied and sent to counsel of record and the Clerk of Carroll Circuit Court.

Judge Gull enters an **Order**; March 14, 2024.

The Court has received ex parte e-mail from an Anthony Greeno on March 12, 2024, which contains graphic images, the Court will not file this e-mail, as the images are unsuitable for public inclusion in this file.

Judge Gull enters a **Courthouse Management and Decorum Order for Hearing on March 18, 2024**; dated on March 15, 2024.

Nick McLeland files the State's [Objection to Defendant's Multiple Motions to Continue and Defendant's Motion to Stay](#); dated on March 15, 2024.

Judge Gull enters an [Order](#); dated on March 15, 2024.

Court notes filing by defendant of a Motion to Compel and Request for Sanctions on March 12, 2024. Counsel claims to have attached Exhibit A to the pleading, but no exhibit has been provided. Counsel direct to either submit their exhibit, or withdraw their Motion.

Judge Gull enters an [Order](#); dated on March 15, 2024.

Attorney Hennessy's Verified Supplement to Verified Emergency Motion for Continuance reviewed. Counsel's request to continue the March 18, 2024, 9:00 am hearing denied without hearing.

Andrew Baldwin files an [Amended Motion to Compel and Request for Sanctions](#); dated on March 17, 2024.

Andrew Baldwin files an [Motion for Parity in Resources, To Reconsider the Denial of Anticipated Defense Costs, or to Exclude Evidence](#); dated on March 17, 2024.

Nick McLeland files the [State's Motion for Protective Order for Evidence Gathered From the Indiana Department of Corrections](#); dated on March 17, 2024.

Nick McLeland files the [State's Response to Motion to Compel and Request for Sanctions](#); dated on March 17, 2024.

Nick McLeland files the [State's Notice of Submission of Supplemental Witness/Exhibit List To the Defense](#); dated on March 17, 2024.

Hearing Held on March 18, 2024.

Session: 02/12/2024 9:00 am, Rescheduled. Session: 03/18/2024 9:00 am, Judicial Officer: Gull. Comment: To be held in the Allen Superior Court 5.

[Hearing on Motion for Contempt Held on March 18, 2024](#) – Transcript from Criminality

[Hearing on Motion To Dismiss Held on March 18, 2024](#) – Transcript from Sleuthie Goosie

Brad Rozzi files [Defendant's Response To State's Motion To Enter Protective Order For Evidence Gathered From The Indiana Department Of Correction](#); dated on March 19, 2024.

Judge Gull enters a [Confidential Order](#); dated on March 19, 2024.

Court authorizes payment of attorney fees, Invoice 3096, from Attorney Rozzi dated March 8, 2024, covering the timeframe of October 4, 2023 through February 28, 2024. The Court authorizes payment in the amount of \$19,951. The Court is disallowing payment of attorneys fees covering the timeframe of October 26, 2023 through January 19, 2024.

Judge Gull enters a [Confidential Order](#); dated on March 19, 2024.

Court authorizes payment of Administrative Expenses, Invoice 3097 from Attorney Rozzi, dated March 8, 2024, covering the timeframe of October 6, 2023 through February 29, 2024, in the amount of \$634.20. The Court is disallowing expenses for media phone conferences (\$34.00) and the timeframe of October 26, 2023 through November 6, 2023 (\$120.00).

Judge Gull enters an **Order**; dated on March 20, 2024.

On March 15, 2024, the Court entered a Courthouse Management and Decorum Order for Hearing March 18, 2024, at 9:00 am and 2:00 pm. The final paragraph of the Order states, "Any violation of this Order and any conduct the Court finds disruptive of the proceedings is punishable as direct contempt of Court and will result in a term of imprisonment and permanent exclusion from the Courtroom, the Courthouse, and all future proceedings." Paragraph 5 of the Order states, in part, "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." The Court recessed the morning hearing at approximately noon. The Court observed a member of the gallery, later identified as Richard Snay, becoming

animated and somewhat vocal with Courtroom Security, who admonished him to sit down. At approximately 12:10 pm. Court Security observed Snay and David Noe engaged in conversation on the first floor, that ultimately became heated. Court Security advised them to be civil and leave the building. Court Security removed both participants from the building and observed a verbal altercation between them on the sidewalk and surrounding areas of the Courthouse. The Court finds the conduct of Richard Snay and David Noe to be in direct violation of Paragraph 5 of the Decorum Order, and therefore, permanently excludes Richard Snay and David Noe from all future proceedings in this cause.

Stacey Diener files an [Appearance](#); dated on March 21, 2024.

Judge Gull enters an **Order**; dated on March 21, 2024.

Ex parte communication from Frank Wesseling, dated March 16, 2024, ordered copied and sent to counsel of record and the Clerk of Carroll Circuit Court.

Judge Gull enters an **Order**; dated on March 21, 2024.

Court orders the ex parte communication from Frank Wesseling, dated March 19, 2024, copied and sent to counsel and the Clerk of Carroll Circuit Court.

Judge Gull enters an **Order**; dated on March 21, 2024.

Court has received Request for Recording of Court Proceedings by News Media from Corryn Brock, WPTA, and Jeff Wiehe, WANE 15, for trial May 13-31, 2024, and denies same.

Judge Gull enters a [Confidential Order](#); dated on March 21, 2024.

Court refuses to authorize payment of Invoice 2039, dated September 3, 2023 and Invoice 2042, dated October 16, 2023 submitted by Alvey as it lacks any detail regarding the services provided.

Judge Gull enters and [Order](#); dated on March 22, 2024.

Defendant appears in person and with counsel, Attorneys Bradley Rozzi and Andrew Baldwin. Attorneys Rozzi and Baldwin appear with Attorney David Hennessy. State appears by Prosecuting Attorney Nicholas McLeland, Deputy Prosecuting Attorney James Luttrell, and Deputy Prosecuting Attorney Stacey Diener. Prior to the commencement of the hearing on the State's Verified Information of Contemptuous Conduct, the following preliminary matters are addressed: 1. The State's Motion for Leave to Amend Charging Information by adding Counts 3 and 4 is granted without objection. Counsel waive Initial Hearing on Counts 3 and 4. 2. The State's oral motion to dismiss Counts 5 and 6, kidnapping, Level 3 Felony, granted without objection. 3. The Verified Petition for Recusal of Prosecutor from Contempt Proceedings is heard and denied. 4. State withdraws its Motion for All Future Pleadings and Filings to be Sealed for the Court's Review Before Being Released to the Public. 5. Attorney Hennessy's Verified Emergency Motion for Continuance and Supplement to Verified Emergency Motion for Continuance heard and again denied. 6. Attorney Hennessy's Motion to Stay All Ancillary Proceedings and Get This Case to Trial and the State's Objection heard. As the hearing is proceeding, the Motion to Stay is Denied. The Court has previously granted Attorney Rozzi and Baldwin's Motion for a Speedy Trial and the cause is now set for speedy trial May 13-31, 2024. 7. Attorney Hennessy's Motion for Specific Findings of Fact and Conclusions Thereon granted with respect to the contempt proceeding. 8. Attorney Hennessy's Verified Petition for Recusal from Contempt Proceedings heard and denied. 9. Attorney Hennessy's Objection to Change of Venue noted. No objection was made by defense counsel or defense counsels' attorney until March 12, 2024. The hearing was previously set in February and continued to March 18, 2024, on defense counsels' Motion without objection to the hearing taking place in Allen County. Court overrules the objection, but will

conduct future hearings, if any, in the Carroll Circuit Court. Court then conducts the hearing on the State's Verified Information of Contemptuous Conduct and takes the evidence and arguments of counsel under advisement. Attorney Hennessy requests an opportunity to submit a post-hearing brief. Court orders him to submit same on or before March 25, 2024. State will submit a response brief on or before April 1, 2024. The Court's thirty (30) days to rule begins April 1, 2024.

Judge Gull enters and [Order](#); dated on March 22, 2024.

Defendant appears in person and with counsel, Attorneys Bradley Rozzi and Andrew Baldwin. State appears by Prosecuting Attorney Nicholas McLeland, Deputy Prosecuting Attorney James Luttrell, and Deputy Prosecuting Attorney Stacey Diener. Hearing held on Defense Motion to Dismiss for Destroying Exculpatory Evidence. Matter taken under advisement to review the evidence submitted.

Judge Gull enters and [Order](#); dated on March 22, 2024.

The Court has taken under advisement the State's Motion to Enter Protective Order for Evidence Gathered from the Indiana Department of Correction (filed March 17, 2024) and the Defendant's Response (filed March 19, 2024) and denies the State's Motion. The Court, however, prohibits the defense from any dissemination of the personal practices of any deponent.

Nick McLeland files the [State's Response to Amended Motion to Compel and Request for Sanctions](#); dated on March 23, 2024.

David Hennessy files a [Post Hearing Memorandum](#) and [Appendix I](#); dated on March 25, 2024.

Judge Gull enters a [Confidential Order](#); dated on March 25, 2024.

Court authorizes payment of attorney fees to Andrew Baldwin in the amount of \$13,544 and mileage in the amount \$238.26. (Letter to the Court dated March 15, 2024 and covers the timeframe of January 22, 2024 through February 29, 2024).

Judge Gull enters a [Confidential Order](#); dated on March 25, 2024.

Court authorizes payment of administrative expenses to the law firm of Baldwin, Perry & Wiley, P.C. covering the period of time from January 19, 2024 through February 29, 2024 in the amount of \$447.00. Court authorizes expenses incurred by the law firm of Baldwin, Perry & Wiley, PC in the amount of \$180.44. Counsels' undated Notice to the Court claims expenses in the amount of \$29,892.94 which are not documented or referenced and, therefore, not allowed.

Judge Gull enters an **Order**; dated on March 26, 2024.

Ex parte communication received from Mary Griffin ordered copied and sent to counsel of record and the Clerk of Carroll Circuit Court.

Judge Gull enters and **Order**; dated on March 26, 2024.

Ex parte communication from Monica Perkins received March 26, 2024, ordered copied and sent to counsel of record and the Clerk of Carroll Circuit Court.

Judge Gull enters and **Order**; dated on March 26, 2024.

The Court, having taken Defendant's Amended Motion to Compel and Request for Sanctions under advisement, and having reviewed the State's Response filed March 23, 2024, now denies the Defendant's Amended Motion to Compel and Request for Sanctions without hearing.

Judge Gull enters a [Confidential Order](#); dated on March 26, 2024.

Court authorizes payment to Depos by the Bunch for Invoice Number 230222, dated March 18, 2024 in the amount of \$2,880.42; for invoice

number 230224, dated March 25, 2024 in the amount of \$1,419.50; and for Invoice Number 230226, dated March 25, 2024 in the amount of \$3,037.84.

[Proper Processing of Ex Parte Filings in Odyssey](#); March 27, 2024.

Brad Rozzi files a [Verified Petition For Public Funds](#); dated on March 27, 2024.

Judge Gull enters and **Order**; dated on March 27, 2024.

Ex parte communication received from "LGW" ordered copied and sent to counsel of record and the Clerk of Carroll Circuit Court.

Jennifer Auger files a **Limited Appearance**; dated on March 27, 2024.

Judge Gull enters and **Order**; dated on March 28, 2024.

Court receives Request for Recording of Court Proceedings by News Media, dated March 12, 2024, from Cyndee Hebert, WTHR-TV, and denies same.

Notice Filed; dated on March 28, 2024.

Notice of mailing of transcript.

Judge Gull enters a [Confidential Order](#); dated on March 28, 2024.

Court authorizes payment of Attorney Fees to William Lebrato for the time period of January 2, 2024 through February 1, 2024 in the amount of \$10,050.

Judge Gull enters a [Confidential Order](#); dated on March 28, 2024.

Court authorizes payment to Depos by the Bunch, Invoice 230228, dated March 26, 2024 in the amount of \$2,286.70.

Judge Gull enters a [Confidential Order](#); dated on March 28, 2024.

Court authorizes payment to Jodie L. Williams, Court Reporter, for preparation of copy of transcript of Hearing on Motion to Dismiss in the amount of \$81.00.

APRIL 2024

Defense files a **Notice of Exclusion of Confidential Information from Public Access**; filed on April 1, 2024.

Defense files a **Ex Parte Motion for Public Funding**; filed on April 1, 2024.

Nick McLeland files the [State's Findings of Fact and Conclusions of Law](#); dated on April 1, 2024.

Brad Rozzi files [Defendant's Notice of Submission of Supplemental Witness and Exhibit List to the State](#); dated on April 1, 2024.

Judge Gull enters an [Order](#); dated on April 2, 2024.

State of Indiana's Motion for Leave of Court to Subpoena Third-Party Records (mental health records) filed March 14, 2024 granted without hearing. State of Indiana's Motion for Leave of Court to Subpoena Third-Party Records (medical records) filed March 14, 2024, granted without hearing.

Judge Gull enters an **Order**; dated on April 2, 2024.

Court orders ex parte communication from Kamie Redinbo, Kala Newell, Stacey L. Parker, Liza Trick, Hope Douglas, Paige Moore, Ann Smith, Stephanie Cope, Victoria Best, and Oscar Lopez copied and sent to counsel of record and the Clerk of Carroll Circuit Court.

Judge Gull enters an **Order**; dated on April 2, 2024.

The Court, having had Defendant's Motion to Dismiss for Destroying Exculpatory Evidence under advisement following a hearing

conducted on March 18, 2024, now denies the Motion to Dismiss as the defendant has failed to show that the evidence was exculpatory and that it was destroyed negligently, intentionally, or in bad faith. The recordings of interviews between February 14-20, 2017 were lost due to human error or were spontaneously lost due to the equipment resetting. At the time the interview of Brad Holder was lost, he was not a key suspect in the case. The interview was memorialized in a written report provided to the defendant. Patrick Westfall was interviewed at his home by FBI agents. That interview was not recorded but was documented in a written report provided to the defendant. Patrick Westfall was not a key suspect in the case at the time of the interview. As neither Holder nor Westfall were suspects at the time the interviews were conducted, the defendant has failed to show that the lost interview of Holder was material and that the lack of a recorded interview of Westfall was material. As defendant must establish materiality to claim a denial of due process and Allen had failed to do so, his due process rights have not been violated.

Nick McLeland files the [State's Response to Third Motion for Franks Hearing](#); dated on April 3, 2024.

Brad Rozzi files a [Notice of Discovery](#); dated on April 4, 2024.

Andrew Baldwin files a [Defense Response to State's Response to 3rd Franks Memorandum](#); dated on April 5, 2024.

Defense files a **Notice of Exclusion of Confidential Information from Public Access**; filed on April 8, 2024.

Defense files a **Ex Parte Motion to Reconsider Funds for Tech Experts and also Funds for Administrative Assistants**; filed on April 8, 2024.

Defense files a **Proposed Order re: Ex Parte Motion to Reconsider Funds for Tech Experts and also Funds for Administrative Assistants**; filed on April 8, 2024.

Defense files a **Notice of Exclusion of Confidential Information from Public Access**; filed on April 9, 2024.

Defense files a **Ex Parte Motion**; filed on April 9, 2024.

Judge Gull enters an **Ex Parte Order**; filed on April 9, 2024.

Brad Rozzi files a [Motion for Leave of Court to Conduct Inmate Depositions](#); dated on April 11, 2024.

Brad Rozzi files a [Memorandum of Law in Support of Defendant Allen's Motion to Suppress](#); dated on April 11, 2024.

Brad Rozzi files a [Motion to Suppress Statements](#); dated on April 11, 2024.

[letter from Journal & Courier to the Court](#); filed on April 12, 2024.

Notice Filed; dated on April 12, 2024.

Notice of mailing transcripts.

Judge Gull enters an **Order**; dated on April 12, 2024.

Order granting Motion for Leave of Court to Conduct inmate Depositions.

Judge Gull enters a [Confidential Order](#); dated on April 12, 2024.

Court authorizes payment to Jodie Williams of \$989.00 for preparation of transcript of Hearing on Motion for Contempt.

Brad Rozzi files a [Defendant's Notice of Submission of Supplemental Witness and Exhibit List to the State](#); dated on April 15, 2024.

Andrew Baldwin files a [Motion to Suppress the Accused's Second Statement](#); dated on April 15, 2024.

Nick McLeland files the [State's Notice of Submission of Supplemental Witness/Exhibit List to the Defense](#); dated on April 15, 2024.

Defense files a **Subpoena Deuces Tecum re: IDOC**; filed on April 15, 2024.

Judge Gull enters an **Order**; dated on April 15, 2024.

Ex parte communication from James Beverton and Savas Gunn ordered copied and sent to counsel of record and the Clerk of Carroll Circuit Court.

[Odyssey Cheatsheet](#); April 17, 2024

Judge Gull enters an **Order**; dated on April 17, 2024.

Court has received Request for Recording of Court Proceedings by News Media from Erika Facey, WISH-TV and denies same. Copy to counsel of record and Clerk of the Carroll Circuit Court.

Andrew Baldwin files a [Motion To Compel and Motion For Sanctions](#); dated on April 23, 2024.

Nick McLeland files the [State's Objection to Defendant's Motion to Suppress Filed April 11, 2024](#); dated on April 23, 2024.

Nick McLeland files a [Motion for Leave of Court To Subpoena Third-Party Records](#); dated on April 23, 2024.

Judge Gull enters an **Order**; dated on April 23, 2024.

Correspondence from News Media Coalition requesting media coverage of trial May 13 - 31, 2024, reviewed and denied. Copy to counsel of record and Clerk of the Carroll Circuit Court.

Judge Gull enters an **Order**; dated on April 23, 2024.

Court reviews Request for Recording of Court Proceedings by News Media from Cyndee Hebert, WTHR-TV, for trial May 13 - 31, 2024, and denies same. Copy to counsel of record and Clerk of the Carroll Circuit Court.

Judge Gull enters an **Order**; dated on April 23, 2024.

Ex parte communications from Savas Gunn (April 14, 2024; April 23, 2024); Lori Fields (April 17, 2024), Susan Skinner (April 19, 2024); and Frank Wesseling (April 21, 2024) ordered copied and sent to counsel of record and the Clerk of the Carroll Circuit Court.

Judge Gull enters an **Order**; dated on April 23, 2024.

Ex parte communication from CJ765@proton.me received and ordered copied and sent to counsel of record and the Clerk of Carroll Circuit Court.

Judge Gull enters an **Order**; dated on April 23, 2024.

Court has received a Request for Recording of Court Proceedings by News Media (Aaron Stevens, ABC57 News) and denies same. Copy to counsel of record and the Clerk of Carroll Circuit Court.

Judge Gull enters an **Order**; dated on April 23, 2024.

Order Granting Request for Subpoena Duces Tecum re: Rushville Police Department.

Judge Gull enters a **Confidential Order**; dated on April 23, 2024.

Court authorizes payment of attorney fees to Andrew Baldwin for the time period of March 1, 2024-March 31, 2024, in the amount of

\$19,900 and mileage in the amount of \$789.90. Court further authorizes payment of administrative expenses to the law firm of Baldwin, Perry and Wiley, P.C. in the amount of \$577.30. Court disallows expense of \$170.96 for a hotel stay on March 1, 2024.

Nick McLeland files the [State's Objection to Defendant's Motion to Suppress Filed April 15, 2024](#); dated on April 26, 2024.

Nick McLeland files the [State's Response to Defendant's Motion To Compel](#); dated on April 26, 2024.

Judge Gull enters an [Order](#); dated on April 26, 2024.

Service Returned Served: Lacy Patton, Jr. served in person by Elkhart County Sheriff on April 26, 2024, at 9:30 am.

Nick McLeland files a [Motion In Limine](#); dated on April 29, 2024.

Andrew Baldwin, Brad Rozzi, and Jennifer Auger file [Defendant's, Richard Allen, Fourth Franks Motion Based on Newly Disclosed Evidence and Request For Hearing](#); dated on April 29, 2024.

Judge Gull enters a [Courthouse Management and Decorum Order for Jury Selection May 13-16, 2024](#); dated on April 29, 2024.

Jennifer Auger files an [Appearance](#); dated on April 29, 2024.

Judge Gull enters an **Order**; dated on April 29, 2024.

Ex parte communication received from Griselda Alvarez and ordered copied and sent to counsel of record and the Clerk of Carroll Circuit Court.

Brad Rozzi files [Defendant's Response to State's Motion in Limine and Request for a Hearing](#); dated on April 30, 2024.

Nick McLeland files a [Motion for Leave of Court To Subpoena Third-Party Records](#); dated on April 30, 2024.

Brad Rozzi files a [Motion for Pre-Trial Hearing](#) and [Exhibit](#); dated on April 30, 2024.

Judge Gull enters an **Order**; dated on April 30, 2024.

Defendant's Motion for Pre-Trial Hearing and State's Motion in Limine set for hearing in the Allen Superior Court May 7, 2024, at 9:00 am without objection by the defense, who consents to the venue.

Judge Gull enters a spiteful **Order**; dated on April 30, 2024.

The Court, having had this matter under advisement following a hearing conducted on March 18, 2024, and having reviewed the evidence admitted at the hearing (the Court did not review any evidence that was offered but not admitted), the arguments of counsel and the briefs and memorandums submitted by Counsel now finds that the State proved by a preponderance of the evidence that defense counsel was sloppy, negligent, and incompetent in their handling of discovery materials. Counsel failed to properly secure evidence and discovery material in this matter. Counsel negligently allowed their discovery outline to be sent to an individual unrelated to this matter (Brandon Woodhouse) who then disseminated that information to the public. Counsel further allowed their discovery materials to be compromised by Westerman (who, in turn, provided the information to Fortson and Cohen). Counsel has described Westerman both as a criminal and a valued consultant and confidante. Despite this Court's findings of sloppiness, negligence, and incompetence, the State is required to prove that Counsels' conduct was willful and intentional beyond a reasonable doubt for the Court to find Counsel in contempt. As the State has not met that burden, the Court declines to find them in contempt of Court for violating the

Protective Order issued February 17, 2023, regarding discovery. The State has also alleged that defense counsel violated the "gag order" issued by the Court on December 2, 2022. Defense counsel issued a Press Release on December 1, 2022. The release contained statements that are potentially violative of the Rules of Professional Conduct. As Defense Counsels' Counsel correctly argues in his post-hearing brief, the gag order was not yet issued. As such, the Court declines to find Counsel in contempt of Court as no Order was in place. To the extent that the Press Release violated the Rules of Professional Responsibility, the Trial Court has no jurisdiction to enforce those Rules. As required by the Rules of Professional Responsibility, the Trial Court will, therefore, send a copy of this Order and the Press Release to the Office of Judicial and Attorney Regulation, Executive Director Adrienne Meiring for that Office to enforce the Rules or determine Counsels' ethical misconduct.

MAY 2024

The State and Defense file a [Motion to Enter Stipulated Protective Order](#); dated on May 1, 2024.

Judge Gull enters an **Order**; dated on May 1, 2024.

Amended order reflecting May 7, 2024 hearing date.

Judge Gull enters a **Transport Order**; dated on May 1, 2024.

Judge Gull enters an [Order](#); dated on May 2, 2024.

Comes now the Court, having reviewed the Motion for Stipulated Protective Order signed by counsel for non-party Indiana Department of Correction and Defendant Richard M. Allen, and orders that the motion is granted, the Court orders as follows: 1. The Department of Correction shall provide to Mr. Allen, by counsel, the information stipulated to in the motion within one business day of the Court's order

entering a protective order. The Department of Correction shall provide the information to counsel for Mr. Allen with redactions over whole or partial social security numbers and over home addresses and home telephone numbers. 2. Counsel for Mr. Allen shall share the Department's response with the prosecution as prescribed by Indiana Trial Rule 34(C)(4) within one business day of receipt. 3. The materials provided by the Department may be used solely for the preparation, trial, and any appeal of this action, as well as related settlement negotiations, and for no other purpose, without the written consent of the Department. The information contained in the response may not be disclosed to any person except in accordance with the terms of this agreement or as otherwise provided by law. All persons in possession of the responsive information agree to exercise reasonable care with regard to the custody, use, or storage of such information. Any use or disclosure of the Department's response in violation of the terms of this agreement may subject the disclosing person or party to sanctions. 4. All persons subject to this stipulation agree that the information provided by the Department may only be accessed or reviewed by the following: a. The Court, its personnel, and court reporters; b. Counsel of record for any party in this action and their employees who assist counsel of record in this action and are informed of the duties hereunder; c. The parties, including their agents and employees who are assisting or have reason to know of this action; d. Experts or consultants employed by the parties or their counsel for purposes of this action, so long as each such expert or consultant agrees to be bound to these terms; and e. Other witnesses or persons with the Department's consent or by court order. 5. Nothing in this order restricts a party's ability to disclose the information and materials provided by the Department during the course of the trial of this cause. 6. The parties shall not disseminate the information or materials provided by the Department in any pre-trial extrajudicial statement by means of public communication. 7. In addition to governing the request in the motion, the stipulations contained in

paragraphs 6-9 of the motion shall govern any future document requests submitted to the Department by Mr. Allen in this cause. All of which is ordered May 2, 2024.

Judge Gull enters an **Order**; dated on May 2, 2024.

Court has received "Request for Recording of Court Proceedings by News Media" for a hearing on May 7, 2024, from Jeff Wiehe WANE 15 and Cyndee Hebert WTHR-TV and denies same. Court has also received a "Camera in Court Request Form" request from Anthony Greeno, True Crime Investigates, and declines to consider same as this is not a news media outlet covered by I.C. 34-46-4-1.

Hearing Scheduling Activity; dated on May 2, 2024.

Hearing scheduled for 05/07/2024 at 9:00 am.

Judge Gull enters a [Confidential Order](#); dated on May 2, 2024.

Court has received an Invoice #7912 from Attorney Jennifer Auger for Attorneys Fees covering a period of time from February 24, 2024, through May 1, 2024. As Attorney Auger was authorized to enter a limited appearance for Defendant on March 27, 2024, for "matters related to the service of process and future depositions of Federal Bureau of Investigation agents" and to assist counsel with "digital forensic issues surrounding the investigation and prosecution of Defendant Allen", the Court requests counsel to delete items from her Invoice prior to March 27, 2024. In addition, the Court has not authorized the appointment of Attorney Auger outside her limited appearance of March 27, 2024, and therefore, questions her authority to enter her formal written appearance on April 29, 2024, as this Court has not appointed her as counsel of record outside of the limited appearance previously authorized.

Judge Gull enters an **Order**; dated on May 3, 2024.

Court has received a Request for Recording of Court Proceedings by News Media from Corryn Brock WPTA and denies same.

Judge Gull enters a **Transport Order**; dated on May 3, 2024.

Judge Gull enters a [Confidential Order](#); dated on May 3, 2024.

Court authorizes payment to Depos by the Bunch, Invoice Number 230236, dated April 27, 2024, in the amount of \$730.50. Court further authorizes payment to Depos by the Bunch, Invoice Number 230239, dated April 27, 2024, in the amount of \$646.35.

Judge Gull enters a [Confidential Order](#); dated on May 3, 2024.

Court authorizes payment to Dr. Polly Westcott for invoice dated April 9, 2024, in the amount of \$8,350.

Judge Gull enters a [Confidential Order](#); dated on May 3, 2024.

Court authorizes payment to the firm of Baldwin, Perry, and Wiley, P.C. of \$4000 as reimbursement for the payment of a retainer fee for T. Paulette Sutton, blood spatter expert.

Judge Gull enters a [Confidential Order](#); dated on May 3, 2024.

Court authorizes total payment for Dr. Dawn Perlmutter of \$5000 consistent with the Court's previous order of April 4, 2024, for an "Odinism expert".

Nick McLeland files a [State Request for Pre-Trial Ruling on Admissibility](#); dated on May 6, 2024.

Judge Gull enters a **Transport Order**; dated on May 6, 2024.

Hearing on May 7, 2024.

Session: 05/07/2024 9:00 am. Judicial Officer: Gull, Frances.
Comment: Motions Hearing to be held in Allen County.

Judge Gull enters an [Order](#); dated on May 7, 2024.

Defendant appears in person and with counsel, Attorneys Bradley Rozzi, Andrew Baldwin, and Jennifer Auger. State appears by Prosecuting Attorney Nicholas McLeland and Deputy Prosecuting Attorneys James Luttrell and Stacey Diener. Hearing held on defendant's Motion to Pre-Trial Hearing filed April 30, 2024. Defense counsel report to the Court that the scheduled trial dates of May 13 - 31, 2024, are inadequate for trial. Defendant waives his speedy trial and moves for a continuance. State objects as they are ready for trial but leaves it to the Court's discretion. Defense motion granted. jury trial ordered continued and reset to October 14 - November 15, 2024, at 9:00 a.m. in the Carroll Circuit Court. Defendant's Motion to Compel and Request for Sanctions, Defendant's two (2) pending Motions to Suppress, State's Motion in Limine, and State's Motion for Ruling on Admissibility all set for hearing May 21 - 23, 2024, at 9:00 a.m. in the Carroll Circuit Court. Defendant's third and fourth Request for Franks Hearing will be ruled upon and not set for hearing unless necessary.

Andrew Baldwin files a [Praecipe for Transcript](#); dated on May 7, 2024.

[Record of Proceedings for Motions Hearing Held on May 7, 2024](#) – Transcript from Criminality

Hearing Scheduling Activity; dated on May 8, 2024.

Jury Trial originally scheduled on 05/13/2024 at 8:30 am was rescheduled to 10/14/2024 at 9:00 am. Reason: By Request.

Judge Gull enters an **Order**; dated on May 8, 2024.

Order granting praecipe for transcript.

Judge Gull enters an **Order**; dated on May 8, 2024.

The State of Indiana's Motion for Admissibility ordered set for hearing in the Carroll Circuit Court May 21-23, 2024, at 9:00 am.

David Hennessy files a [Petition To Strike Gratuitous And Demeaning Commentary And/Or Findings From Contempt Order](#); dated on May 8, 2024.

Andrew Baldwin and Brad Rozzi file a [Motion to Vacate Safekeeping Order](#); dated on May 13, 2024.

Andrew Baldwin and Brad Rozzi file a [Verified Petition for Public Funds](#); dated on May 13, 2024.

Judge Gull enters a **Transport Order**; dated on May 14, 2024.

Judge Gull enters an **Order**; dated on May 14, 2024.

Ex parte communication from "ES" ordered copied and sent to counsel of record and the Clerk of the Carroll Circuit Court for filing in this cause.

Brad Rozzi files a [Motion for Continuance](#); dated on May 16, 2024.

Judge Gull enters an **Order**; dated on May 16, 2024.

Ex parte communication received from Lance R. Bloom ordered copied and sent to counsel of record and the Clerk of Carroll Circuit Court for filing in this case.

Judge Gull enters an **Order**; dated on May 16, 2024.

The Court has received a Request for Recording of Court Proceedings by News Media from Corryn Brock, WPTA, for October 14 - November 15, 2024, and denies same.

Judge Gull enters an **Order**; dated on May 16, 2024.

The Court has received a Request for Recording of Court Proceedings by News Media from Corryn Brock, WPTA, for May 21 - 23, 2024, and denies same.

Judge Gull enters an **Order**; dated on May 16, 2024.

The Court has received a Request for Recording by Court Proceedings by News Media from Cyndee Hebert, WTHR and Indy broadcast media for May 21-23, 2024, and denies.

Judge Gull enters an **Order**; dated on May 16, 2024.

Defendant's Motion to Vacate Safekeeping Order set for hearing May 22, 2024, at 10:00 am.

Andrew Baldwin files the [Defense Second Verified Motion to Disqualify Judge and Request for Findings of Fact and Conclusions of Law Upon Denial of This Request, If This Court Denies This Request](#); dated on May 17, 2024.

Andrew Baldwin files [Richard Allen's Affidavit in Support of His Second Verified Motion to Disqualify Judge and Request for Findings of Fact and Conclusions of Law Upon Denial of This Request, If This Court Denies This Request](#); dated on May 17, 2024.

Andrew Baldwin and Brad Rozzi file a [Motion to Continue Hearings on All Matters Currently Set to be Heard May 21-23, 2024](#); dated on May 17, 2024.

Nick McLeland files a [Motion to Dismiss the Motion to Suppress Filed April 11th, 2024](#); dated on May 17, 2024.

Nick McLeland files the [State's Response to Defense's 4th Motion for Franks Hearing](#); dated on May 17, 2024.

Judge Gull enters an [Order](#); dated on May 17, 2024.

Defendant's Motion for Continuance reviewed and denied in part. The Court scheduled this hearing at counsels' request who all indicated that they would make these dates work on their respective calendars. The Court will conduct hearings May 21-23, 2024, on defendant's Motion to Suppress Second Statement, filed April 15, 2024; State's Objection to Defendant's Motion to Suppress, filed April 15, 2024; defendant's Motion to Compel and Motion for Sanctions, filed April 23, 2024; defendant's Motion to Vacate Safekeeping Order, filed May 13, 2024; State's Motion in Limine, filed April 28, 2024; and defendant's Response to State's Motion in Limine. As defendant is not prepared to address his Motion to Suppress filed April 15, 2024, and the State's Motion for Admissibility, those matters are continued and will be reset at the conclusion of the hearings May 21-23, 2024.

Hearing Scheduling Activity; dated on May 17, 2024.

Hearing scheduled for 05/22/2024 at 10:00 am.

Judge Gull enters a [Confidential Order](#); dated on May 17, 2024.

Court authorizes payment to Brian M. Alvey for final investigative services in the amount of \$26,000 for Invoices 2039 and 2042, covering the period of June 4, 2023, through October 16, 2023.

Judge Gull enters a [Confidential Order](#); dated on May 17, 2024.

Court authorizes payment to Eric Warren in the amount of \$3,016 for Invoice dated April 27, 2024.

Judge Gull enters a [Confidential Order](#); dated on May 17, 2024.

Court authorizes reimbursement to the law firm of Hillis, Hillis, Rozzi and Dean for \$3000 retainer fee to Dr. Grassian. Court notes it previously approved expenditure of up to \$5500 for this expert. Counsel has now submitted a bill of \$7230 from Dr. Grassian. Court

with authorize \$7230 payable to Dr. Grassian as final compensation for his services. Court will not authorize additional expenditures.

Judge Gull enters a [Confidential Order](#); dated on May 17, 2024.

Court authorizes payment to Depos by the Bunch for Invoice 230248, dated May 6, 2024, in the amount of \$1,752.40; Invoice 230250, dated May 6, 2024, in the amount of \$2,506.88; Invoice 230254, dated May 6, 2024, in the amount of \$1,798.87; Invoice 230258, dated May 7, 2024, in the amount of \$496.50; and Invoice 230262, dated May 15, 2024, in the amount of \$3,406.60.

Andrew Baldwin files [Defendant's Second Motion to Dismiss Based Upon Newly Discovered Destroyed Exculpatory or Potentially Useful Evidence](#); dated on May 20, 2024.

Andrew Baldwin and Brad Rozzi file a [Memorandum of Law in Support of Defendant's Second Motion to Dismiss](#); dated on May 20, 2024.

Nick McLeland files the State's [Objection to Defendant's Motion to Continue](#); dated on May 20, 2024.

Andrew Baldwin files [Defendant's Reply to State's Objection to Defendant's Motion to Continue](#); dated on May 20, 2024.

Judge Gull enters an [Order](#); dated on May 20, 2024.

The Court has reviewed the Defense Second Verified Motion to Disqualify Judge and Request for Findings of Fact and Conclusions of Law Upon Denial of this Request, If the Court Denies this Request, filed Friday, May 17, 2024, at 3:04 p.m. As the Court is now required to review and rule upon the forty-two page pleading, the Court is compelled to cancel the pretrial hearing previously set with counsels' agreement. The Court, therefore, orders the hearing set May 21-23, 2024, on defendant's Motion to Vacate Safekeeping Order;

defendant's Motion to Compel and Motion for Sanctions; State's Motion in Limine; and defendant's Response to State's Motion in Limine; State's Motion for Admissibility; defendant's Motion to Suppress Second Statement; defendant's Motion to Suppress; State's Objection to Defendant's Motion to Suppress cancelled over the State's objection. Transport order vacated. Court to notify.

Hearing Scheduling Activity; dated on May 20, 2024.

Hearing scheduled for 05/21/2024 at 9:00 am was canceled. Reason: Judicial Action.

Notice Filed; dated on May 20, 2024.

Notice of mailing of transcript.

Judge Gull enters a [Confidential Order](#); dated on May 20, 2024.

Court authorizes payment to Jodie Williams of \$184.00 for preparation of transcript of Motions Hearing held May 7, 2024, at request of Attorney Andrew Baldwin.

Hearing on May 21, 2024.

Reason: Judicial Action. Session: 05/21/2024 9:00 am, Canceled. Session: 05/22/2024 9:00 am, Canceled. Session: 05/23/2024 9:00 am, Canceled.

Judge Gull enters an **Order**; dated on May 22, 2024.

Ex parte communication from Mike O'Leary ordered copied and sent to counsel of record and the Clerk of Carroll Circuit Court.

Judge Gull enters an **Order**; dated on May 22, 2024.

Ex parte communication from Hamilton Burger ordered copied and sent to counsel of record and the Clerk of Carroll Circuit Court.

Judge Gull enters an **Order**; dated on May 31, 2024.

The Court has reviewed defense counsels' counsel's Petition to Strike Gratuitous and Demeaning Commentary and/or "Findings" from Contempt Order, filed May 8, 2024. As the Court granted counsel Hennessy's "Motion for Specific Findings of Fact and Conclusions Thereon" filed on March 12, 2024, this Motion is denied.

Judge Gull enters an **Order**; dated on May 31, 2024.

The Court has reviewed the Defense Second Verified Motion to Disqualify Judge And Request For Findings Of Fact And Conclusions Of Law Upon Denial Of This Request If This Court Denies This Request, filed May 17, 2024. As Trial Rule 52 is not applicable in criminal cases, the defendant's request for Findings of Fact and Conclusions of Law is denied. *Neely v. State*, 297 N.E.2d 847 (Ind. App. 1973); *Davis v. State*, 642 N.E.2d 987 (Ind. App. 1994). The Court, however, will address each of defendant's allegations in this Order. Defendant claims the Court directed the Carroll County Sheriff to ignore a subpoena. The Court directed an e-mail to counsel on June 14, 2023, regarding the witness refusing to cooperate with the service of the subpoena and demonstrating a willingness to fight the Deputy attempting service. The Court requested a report of the witness' refusal to cooperate and be transported for the scheduled hearing and forwarded that report to counsel when it was received. The decision by the Deputy to leave without the witness was his and was not directed by the Court. Defendant claims the Court engaged in ex parte communication with the Carroll County Sheriff regarding defendant's housing, transportation, and safety during jury selection and trial May 13-31, 2024. These communications were administrative in nature and did not address any substantive issues. The communications were directed to where the defendant would be housed during the trial and who would be conducting transportation. The Court did notify counsel where defendant would be housed during the trial (as he is still under the safekeeping order) in an e-mail, but did not inform counsel of the communication, as nothing

substantively was discussed. The Court has set the defendant's Motion to Vacate Safekeeping Order for hearing, but was required to cancel the hearing upon the filing of this pending Second Verified Motion to Disqualify. Counsel claim the Court invited the State to limit defendant's Sixth Amendment right to present a defense. The Court has always required counsel in all criminal cases to follow the law relating to third-party perpetrators. The Court reminded counsel of their obligation to follow the law in the Court's e-mail of April 28, 2024. Counsel claim the Court has disparaged them and ruled on defense pleadings without hearings. The Court's comments about counsels' performance were documented in the Court's Order of April 30, 2024, regarding their handling of discovery materials. If pleadings on their face are not supported by the law or admissible evidence, judicial economy does not require a hearing. Allegations the Court has treated the Prosecution more favorably than the defense are unsupported by any admissible evidence provided by the defense at the March 18, 2024, hearing. The Court was notified on May 20, 2024, of an inquiry by the Indiana State Police to the Court Reporter via e-mail on May 9, 2024, regarding ex parte communication received by the Court from Gary Beaudette (which was previously provided to all counsel). The Court is unaware of the extent of any Indiana State Police investigation. Defendant blames the Court for ex parte pleadings which were inadvertently directed to the Prosecutor. The defense staff filed pleadings and marked them as "confidential", apparently unaware that the "confidential" marking makes them available to the State, but not the public. Counsels' staff contacted this Court's staff and were advised that the Statewide Odyssey Case Management System (not DoxPop as alleged in the pleading) has a distinct process for filing pleadings "ex parte" as opposed to "confidential". The Court did e-mail defense counsel a tutorial paper authored by JTAC explaining the process. Since that communication, defense counsel have had no issues with their staff properly filing ex parte pleadings. Accusations of violating Rules on Access to Court Records have been completely

explained and dealt with, including by the Indiana Supreme Court in the first Writ of Mandamus filed by defendant. Counsel claim their Motions are treated differently than those Motions filed by the State. The Court has set hearings on pending Motions which have now been continued due to the filing of this Motion to Disqualify. When defendant files pleadings, the State is entitled to file a response. The Court follows Trial Rule 6 regarding time and gives the State twenty (20) days to respond. Defendant is also given twenty (20) days to reply to the State's responses. Once the issues are closed, if a hearing is required, one will be set. Defendant asserts that the Court ignored his request to set aside two weeks for the defense case while refusing to set time limits on the Prosecution. On March 6, 2024, defendant filed a Motion for Speedy Trial. The Court granted that Motion on March 7, 2024, and set the case for speedy trial May 13-31, 2024. On April 30, 2024, defendant filed a Motion for a Pre-Trial Hearing, which the Court set for hearing on May 7, 2024. At no time prior to the May 7, 2024, hearing did defendant advise the Court that three (3) weeks for trial was inadequate. At no time prior to May 7, 2024, did defendant indicate a belief that three (3) additional weeks could be added to the trial without notice to the Court, witnesses, and more importantly, without notice to the potential jurors. While the Court agrees a continuance of the trial is harmful to the defendant and the State, it could have been avoided had counsel communicated prior to May 7, 2024. Counsel represent they notified the Court on or about October 4, 2023, that they would need two (2) weeks to present a defense, but the Court has no record of that communication, nor any recall of such communication. Counsels' assertion that "Between all defense counsel with a combined seventy (70) years of experience not one time have they been told that a trial would absolutely end on a certain day and not go any longer" is irrational and unreasonable. The Court is aware its colleagues across the state routinely give trial dates that begin on a set date and end on a set date. The Court is not required to guarantee equal time for both the defendant and the State. The Court is required

to guarantee sufficient time on the calendar and sufficient notice to jurors and the parties to present their case, however long it takes. Had Counsel notified the Court within days of receiving the March 7, 2024, Court Order setting the case for speedy trial May 13-31, 2024, that the time allotted on the calendar was insufficient, the Court would have immediately rectified the situation and extended the trial to May 13 - June 14, 2024. Trial is now set for October 14 - November 15, 2024, as requested by the defendant. Counsel accuse the Court of engaging in extrajudicial activity. Counsel is correct that on July 9, 2023, the Court commented on a Facebook post about a softball tournament her granddaughter participated in in Delphi. The Court did not attend the tournament, but did say "Congratulations" to her former daughter-in-law's post about their team winning the tournament. If Counsels' allegations in this part of their Motion are well-founded (regarding a potential witness' alleged social media activities) and are presented to the Court for ruling, the Court will rule accordingly. Concerns about anticipatory rulings are not reasonable. Defendant asserts the Court has denied reasonable requests for funding. This is incorrect. Counsel is well aware of the amount of funds the Court has authorized for the defendant. The Court has requested the defendant to submit proper invoices and bills for Carroll County taxpayer funding. Invoices which have been submitted without appropriate documentation have been returned. The bill counsel refers to for \$26,000 for investigative services from June 4, 2023, through October 16, 2023, was, in fact, returned to counsel as no documentation was provided for services. No documentation was submitted until quite recently. With that proper support and documentation, the Court authorized that invoice for payment on May 17, 2024. Defendant complains that public confidence in this case has eroded. As counsel should know, criminal cases are tried in a Court of law, not in the court of public opinion. An independent judiciary requires that judges decide cases according to the law and facts without regard to public clamor or fear of criticism. The Court

continues to receive ex parte communications from the public criticizing the Court both personally and professionally, and threatening the Court with bodily harm and injury. The Court continues to provide these communications to the parties. The Court is not interested in "memes and other social media content that can be easily located on the internet" (Paragraph 129 of defendant's Second Verified Motion to Disqualify). The Court cannot be swayed by inappropriate and ridiculous outside influences. Defendant further claims the Court has refused to order the State to comply with discovery rules. The Court has set defendant's Motion to Compel and Motion for Sanctions for hearing, which has been continued due to the filing of this Motion to Disqualify. The previous defense Motion to Compel was denied without hearing as it was unsupported by evidence. Defense counsel allege bias by the Court only allowing cameras in the Courtroom on one occasion. The Court has not allowed cameras in the Carroll Circuit Court due to its limited size and layout. The Court did allow cameras in the Allen Superior Court at the hearing conducted on October 19, 2023. The hearing was not conducted, and the media outlet providing pool coverage did not comply with the Court's directives regarding coverage and broadcasting of the proceedings. The Court lost confidence in the ability of the media to cover hearings appropriately. The Court has issued adverse rulings against the defendant, as well as against the State of Indiana. Adverse rulings do not support a reasonable basis for questioning the Court's impartiality, nor are they grounds for disqualification, they are just adverse rulings. Defendant's Second Verified Motion to Disqualify Judge And Request For Findings Of Fact And Conclusions Of Law Upon Denial Of This Request, If This Court Denies This Request is denied.

JUNE 2024

Nick McLeland files the [State's Response To Defendant's Second Motion to Dismiss Based Upon Newly Discovered Destroyed And/Or Missing Exculpatory Or Potentially Useful Evidence](#); dated on June 9, 2024.

Judge Gull enters a [Confidential Order](#); dated on June 12, 2024.

Court authorizes payment of administrative expenses to Hillis, Hillis, Rozzi, and Dean, Invoice #3224 dated June 3, 2024, in the amount of \$30.60. Court further authorizes payment of attorney fees to Brad Rozzi, Invoice #3223 dated June 3, 2024, for the time period of May 2, 2024-May 31, 2024, in the amount of \$10,700.

Judge Gull enters a [Confidential Order](#); dated on June 12, 2024.

Court authorizes payment to Brian M. Alvey, Invoice #2056, for investigator services covering the period of March 18, 2024-May 19, 2024, in the amount of \$6,780.

Judge Gull enters a [Confidential Order](#); dated on June 12, 2024.

Court authorizes payment to Depos by the Bunch, Invoice #230271, in the amount of \$1,292.96.

Judge Gull enters a [Confidential Order](#); dated on June 12, 2024.

Court authorizes administrative expenses to the law firm of Baldwin, Perry, and Wiley PC in the amount of \$1,996.73 for the time period of April 1, 2024-April 30, 2024. Court further authorizes payment of attorneys fees and mileage to the law firm of Baldwin, Perry and Wiley PC in the amount of \$35,387.29 for the time period of April 1, 2024-April 30, 2024.

Judge Gull enters a [Confidential Order](#); dated on June 12, 2024.

Court authorizes payment to Baldwin, Perry, and Wiley PC as reimbursement of \$5000 paid to a digital forensics expert Neil Broom, Invoice #1564.

Judge Gull enters a [Confidential Order](#); dated on June 12, 2024.

Court authorizes payment to Jennifer Auger for Invoice #7912 for attorney fees covering a period of time from March 28, 2024-May 1, 2024 in the amount of \$16,750.

Judge Gull enters a [Confidential Order](#); dated on June 12, 2024.

Court authorizes payment of administrative expenses to Hillis, Hillis, Rozzi, and Dean, Invoice #3172, in the amount of \$1714.49 for the time period of March 25, 2024-April 29, 2024 and Invoice #3136 for the amount of \$138.80.

Judge Gull enters a [Confidential Order](#); dated on June 12, 2024.

Court authorizes payment of attorney fees to Brad Rozzi, Invoice #3171, in the amount of \$25,400 for services covering a period of time from April 1, 2024-April 30, 2024.

Andrew Baldwin, Brad Rozzi, and Jennifer Auger file [Accused's Response to This Court's May 31, 2024 "Order or Judgement of the Court" and Notice of Conflict](#) and [Exhibits](#); dated on June 18, 2024.

Judge Gull enters an **Order**; dated on June 21, 2024.

Court orders Defendant's Motion to Suppress (filed April 15, 2024), State's Motion for Admissibility (filed May 6, 2024), defense Motion to Suppress Second Statement (filed April 15, 2024), State's Objection to Defendant's Motion to Suppress (filed April 15, 2024), defendant's Motion to Compel and Motion for Sanctions (filed April 23, 2024), defendant's Motion to Vacate Safekeeping Order (filed May 13, 2024), State's Motion in Limine (filed April 28, 2024) the defense Response to State's Motion in Limine, Defendant's Second Motion to Dismiss (filed May 20, 2024), and the State's Response to Defendant's Second Motion to Dismiss (filed June 9, 2024) all set for hearing by agreement of counsel on July 30 - August 1, 2024, at 10:00 a.m. in the Carroll Circuit Court.

Judge Gull enters a [Confidential Order](#); dated on June 21, 2024.

Defendant's Verified Petition for Public Funds, filed May 13, 2024, reviewed and granted without hearing.

Hearing Scheduling Activity; dated on June 24, 2024.

Miscellaneous Motions scheduled for 07/30/2024 at 10:00 am.

Miscellaneous Motions scheduled for 07/31/2024 at 10:00 am.

Miscellaneous Motions scheduled for 08/01/2024 at 10:00 am.

Judge Gull enters a [Confidential Order](#); dated on June 27, 2024.

Court authorizes payment to Jennifer Auger, Invoice #7915, dated May 30, 2024, for services covering the period of time April 17, 2024-May 23, 2024 in the amount of \$14,279.60.

Judge Gull enters a [Confidential Order](#); dated on June 28, 2024.

Court authorizes payment to Bour Technical Services, Invoice #1200, dated June 5, 2024, for services April 9, 2024-May 6, 2024 in the amount of \$518.75.

JULY 2024

Andrew Baldwin files a [Praeipce for Determination Whether a Ruling Has Been Delayed Beyond the Time Limitations Set Forth Under Trial Rule 53.1](#); dated on July 11, 2024.

Administrative Event; dated on July 11, 2024.

Praeipce and CCS e-mailed to Justin Forkner, Chief Administrative Officer, Indiana Supreme Court Office of Judicial Administration.

[Trial Court CCS](#); entered on July 12, 2024.

letter from K.M.S. to the Court; filed on July 15, 2024.

Justin P. Forkner files a [Notice of Chief Administrative Officer's Determination Pursuant to Trial Rule 53.1\(E\)](#); dated on July 19, 2024.

Andrew Baldwin files [Defendant's Motion for Leave to Present Mini Opening Statement to the Jury Panel Prior to Voir Dire](#); dated on July 22, 2024.

Judge Gull enters a **Transport Order**; dated on July 22, 2024.

Andrew Baldwin files [Defendant's Reply to "State's Response to Defense's 4th Motion for Franks Hearing" and Request for Hearing for Reasons Detailed Herein](#); dated on July 23, 2024.

Courthouse Management and Decorum Order for the Hearing on July 30-August 1, 2024; dated on July 24, 2024.

Judge Gull enters an **Order**; dated on July 24, 2024.

Defendant's Motion for Leave to Present Mini Opening Statement to the Jury Panel Prior to Voir Dire reviewed and granted without hearing. Counsel may present a five (5) minute mini opening to the jury panel prior to each round of Voir Dire being conducted in Allen Superior Court commencing October 15, 2024.

Judge Gull enters a [Confidential Order](#); dated on July 24, 2024.

Court authorizes payment to Depos by the Bunch, Invoice Number 230281, dated July 12, 2024 in the amount of \$1,594.35.

Judge Gull enters a [Confidential Order](#); dated on July 24, 2024.

Court authorizes payment to Brian Alvey, Investigator, Invoice Number 2059, dated June 25, 2024, in the amount of \$1,900.

Judge Gull enters a [Confidential Order](#); dated on July 24, 2024.

Court authorizes payment to Symbol Intelligence Group, LLC, Invoice Number 2452, dated June 20, 2024, in the amount of \$4,600.

Judge Gull enters a [Confidential Order](#); dated on July 25, 2024.

Court authorizes payment to Depos by the Bunch, Invoice Number 230243, dated May 1, 2024, in the amount of \$1,738.20 and Invoice Number 230245 dated May 2, 2024, in the amount of \$2293.75.

Judge Gull enters an **Order**; dated on July 26, 2024.

Court has received a "Request for Recording of Court Proceedings by News Media" from Cyndee Hebert, WTHR-TV, and denies same without hearing.

Judge Gull enters an [Order](#); dated on July 26, 2024.

Court has received a "Request for Recording of Court Proceedings by News Media" from Erika Facey, WISH-TV, and denies same without hearing.

Hearing on on July 30, 2024.

Hearing held on Defendant's Motion to Vacate Safekeeping Order, Defendant's Motion to Compel and Motion for Sanctions, and Defendant's Second Motion to Dismiss Based Upon Newly Discovered Evidence and/or Missing Exculpatory Or Potentially Useful Evidence.

[Testimony of Detective Roland Purdy Given at Hearing on Motion to Dismiss On July 30, 2024](#) – Transcript from @joeschmoe88

[Testimony of Lieutenant Jerry Holeman Given at Hearing on Motion to Dismiss On July 30, 2024](#) – Transcript from @joeschmoe88

Judge Gull enters an **Order**; dated on July 30, 2024.

Defendant's appears in person and with counsel Bradley Rozzi, Jennifer Auger, and Andrew Baldwin. State appears by Prosecuting

Attorney Nicholas McLeland, Deputy Prosecuting Attorney Stacey Diener, and Deputy Prosecuting Attorney James Luttrull. Hearing held on Defendant's Motion to Vacate Safekeeping Order, Defendant's Motion to Compel and Motion for Sanctions, and Defendant's Second Motion to Dismiss Based Upon Newly Discovered Evidence and/or Missing Exculpatory Or Potentially Useful Evidence. Matters taken under advisement.

Hearing on on July 31, 2024.

Prior to the commencement of the proceedings, defendant withdraws his Motion to Suppress Accused Second Statement. Hearing then held on defendant's Motion to Suppress and State's Motion for Admissibility.

[Testimony of Detective Brian Harshman Given at Hearing on Motion to Suppress On July 31, 2024](#) – Transcript from @joeschmoe88

[Testimony of Lieutenant Jerry Holeman Given at Hearing on Motion to Suppress On July 31, 2024](#) – Transcript from @joeschmoe88

[Testimony of Warden John Galipeau Given at Hearing on Motion to Suppress On July 31, 2024](#) – Transcript from @joeschmoe88

Judge Gull enters an **Order**; dated on July 31, 2024.

Defendant's appears in person and with counsel Bradley Rozzi, Jennifer Auger, and Andrew Baldwin (for morning session only). State appears by Prosecuting Attorney Nicholas McLeland, Deputy Prosecuting Attorney Stacey Diener, and Deputy Prosecuting Attorney James Luttrull. Prior to the commencement of the proceedings, defendant withdraws his Motion to Suppress Accused Second Statement. Hearing then conducted on defendant's Motion to Suppress and State's Motion for Admissibility. Matters taken under advisement.

AUGUST 2024

Hearing on August 1, 2024.

Hearing held on State's Motion in Limine and State's Motion for Admissibility.

[Testimony of Detective Roland Purdy Given at Hearing on Motion in Limine On August 1, 2024](#) – Transcript from @joeschmoe88

[Testimony of Dr. Dawn Pearlmutter Given at Hearing on Motion in Limine On August 1, 2024](#) – Transcript from @joeschmoe88

[Testimony of First Sergeant Christopher Cecil Given at Hearing on Motion in Limine On August 1, 2024](#) – Transcript from @joeschmoe88

[Testimony of Lieutenant Jerry Holeman Given at Hearing on Motion in Limine On August 1, 2024](#) – Transcript from @joeschmoe88

[Testimony of Major Patrick Cicero Given at Hearing on Motion in Limine On August 1, 2024](#) – Transcript from @joeschmoe88

Judge Gull enters an **Order**; dated on August 1, 2024.

Defendant appears in person and with Attorneys Bradley Rozzi, Jennifer Auger, and Andrew Baldwin. State by Prosecuting Attorney Nicholas McLeland, Deputy Prosecuting Attorney Stacey Diener, and Deputy Prosecuting Attorney James Luttrull. Hearing held on State's Motion in Limine and State's Motion for Admissibility. Matters taken under advisement.

Judge Gull enters an **Order**; dated on August 6, 2024.

The Court, having had Defendant's Motion to Vacate Safekeeping Order under advisement following a hearing conducted on July 31,

2024, and having considered all the evidence and arguments of Counsel, now grants the Defendant's Motion to Vacate Safekeeping Order and remands the defendant back to the custody of the Sheriff of Carroll County. Court to notify counsel, the Sheriff of Carroll County, and the Department of Correction of the change of the offender's status.

Witness and/or Exhibit List Filed; dated on August 7, 2024.

Defendant's Notice of Submission of Supplemental Witness and Exhibit List to the State.

Brad Rozzi files a [Praecipe for Transcripts](#); dated on August 8, 2024.

Judge Gull enters an **Order**; dated on August 12, 2024.

The Court, having had Richard Allen's Third Franks Notice and Request for Franks Hearing Based Upon Newly Discovered Evidence and Request for Findings of Facts and Conclusions of Law Upon Any Ruling on This Request (filed March 13, 2024), the State's Response to Defense's 3rd Motion for Franks Hearing (filed April 3, 2024), and the Defense Reply to Prosecution's Response to 3rd Franks Memorandum (filed April 5, 2024) under advisement, now denies the third request for a Franks hearing without hearing. The Court finds the Affidavit submitted in support of the issuance of the search warrant contained information that a reasonable belief existed that evidence of the murders would be found in the defendant's vehicles and home. The Affidavit did not contain false statements, nor did the Affiant omit statutes with reckless disregard. Further, the Court does not find the Affiant intended to mislead the Judge by failing to present relevant information.

Judge Gull enters an **Order**; dated on August 12, 2024.

Court orders this matter set for a status hearing August 23, 2024, at 1:00 p.m. in the Carroll Circuit Court. The first portion of the hearing is

closed to the public. The second portion of the hearing will be open to the public. Court to notify.

Hearing Scheduling Activity; dated on August 12, 2024.

Status Hearing scheduled for 08/23/2024 at 1:00 pm.

Judge Gull enters a [Confidential Order](#); dated on August 12, 2024.

Court authorizes payment to Law Office of Jennifer Auger, Invoice Number 8053, dated July 31, 2024, for attorney fees and expenses covering June 29, 2024, through July 30, 2024; Invoice Number 8046, dated July 2, 2024, in the amount of \$5940; and Invoice Number 8053, dated July 31, 2024, for a total amount of \$31,029.60.

Judge Gull enters a [Confidential Order](#); dated on August 12, 2024.

Court authorizes payment to Hillis, Hillis, Rozzi and Dean, Invoice Number 3337, for attorney fees from June 5, 2024 through July 31, 2024, in the amount of \$10,676.

Judge Gull enters a [Confidential Order](#); dated on August 12, 2024.

Court authorizes payment to Hillis, Hillis, Rozzi and Dean, Invoice Number 3338, dated August 2, 2024, for administrative expenses from June 6, 2024 through July 29, 2024 in the amount of \$220.57.

Judge Gull enters a [Confidential Order](#); dated on August 12, 2024.

Court authorizes payment to Baldwin, Perry and Wiley, PC, for administrative expenses covering the time period of May 1, 2024 through July 31, 2024 in the total amount of \$6,678.32.

Judge Gull enters a [Confidential Order](#); dated on August 12, 2024.

Court authorizes payment to Dawn Perlmutter, Symbol Intelligence Group, LLC, Invoice Number 2453, dated August 8, 2024 in the amount of \$8,925 as payment for services.

Judge Gull enters a [Confidential Order](#); dated on August 12, 2024.

Court authorizes payment to Brian M. Alvey, Investigator, Invoice Number 2061 dated July 31, 2024 for period of July 9 through 31, 2024 in the amount of \$1,465.

Judge Gull enters a [Confidential Order](#); dated on August 12, 2024.

Court authorizes payment to Brian M. Alvey, Investigator, Invoice Number 2061 dated July 31, 2024 for period of July 9 through 31, 2024 in the amount of \$1,465.

Brad Rozzi files [Defendant's Supplemental Submission Regarding State's Motion In Limine](#) and [Exhibits](#); dated on August 13, 2024.

Judge Gull enters an **Order**; dated on August 13, 2024.

The Court, having had Defendant's, Richard Allen, Fourth Franks Motion Based on Newly Disclosed Evidence and Request for Hearing (filed April 29, 2024), the State's Response to Defense's 4th Motion for Franks Hearing (filed May 17, 2024), and the Defendant's Reply to State's Response to Defense's 4th Motion for Franks Hearing and Request for Hearing for Reasons Detailed Herein (filed July 23, 2024), now denies same without hearing. The trial court is obligated to conduct a Franks hearing only if the Defendant makes a preliminary showing that the affiant knowingly or intentionally, or with reckless disregard for the truth, included a false statement in the search warrant affidavit and that the allegedly false statement was necessary to a finding of probable cause. The defense has not made such a preliminary showing and therefore, is not entitled to a Franks hearing.

Defense files a **Subpoena Duces Tecum to depose David Schilling**; dated August 13, 2024.

Defense files a **Subpoena Duces Tecum to depose Tobe Leazenby, Patrick and Nick Westfall**; dated August 13, 2024.

Andrew Baldwin, Brad Rozzi, and Jennifer Auger file a [Memorandum of Law In Support of Admission of Evidence of Alternative Theories of The Crime and Third-Party Perpetrators](#) and [Exhibits](#); dated on August 15, 2024.

Judge Gull enters an **Order**; dated on August 15, 2024.

The Court, having had the Defendant's Second Motion to Dismiss Based Upon Newly Discovered Destroyed And/or Missing Exculpatory or Potentially Useful Evidence under advisement following a hearing conducted on July 30, 2024, and having reviewed the exhibits submitted and the arguments of counsel now finds that the law is against the defendant. No evidence has been presented to the Court that the State destroyed exculpatory evidence nor that the State acted in bad faith. The defense argues that this alleged exculpatory evidence all relates to one person, Brad Holder. However, no evidence has been presented to support this argument, nor has any evidence been presented to negate the evidence offered by the State which cleared Brad Holder of involvement in these crimes. Defendant's Second Motion to Dismiss is therefore denied as unsupported by the law and the evidence.

Judge Gull enters an **Order**; dated on August 15, 2024.

The Court, having taken defendant's Motion to Compel and Motion for Sanctions under advisement following a hearing conducted July 30, 2024, and having reviewed the submitted exhibits and arguments of counsel, now denies the defendant's Motion to Compel and Motion for Sanctions as the defendant has failed to comply with Trial Rule 26(F) in seeking an informal resolution of discovery disputes; however, the Court will order the State to turn over Sergeant Cecil's report within ten (10) days of date of this order and that any new discovery be provided within seven (7) days of receipt. The Court further orders the parties to exchange a list of trial exhibits by October 1, 2024.

email to the Court; filed on August 20, 2024.

Courthouse Management and Decorum Order for the Hearing on August 23, 2024; dated on August 22, 2024.

Status Hearing on August 23, 2024.

Session: 08/23/2024 1:00 pm, Judicial Officer: Gull, Frances.

Brad Rozzi files a [Subpoena Duces Tecum directed at Centurion re: Dr. Monica Wala employment records](#); dated August 23, 2024.

Brad Rozzi files a [Subpoena Duces Tecum directed at the Indiana Attorney General and the Indiana Department of Corrections re: Dr. Monica Wala employment records](#); dated August 23, 2024.

Brad Rozzi files a [Motion for Order to Shorten Discovery Response Period](#); dated August 23, 2024.

Brad Rozzi files a [Second Motion for Order to Shorten Discovery Response Period](#); dated August 23, 2024.

Nick McLeland files a [Motion to Quash re: David Schilling](#); dated August 23, 2024.

Nick McLeland files a [Motion to Quash re: Leazenby, Patrick and Nick Westfall](#); dated August 23, 2024.

Closed Hearing on August 23, 2024.

Ex Parte hearing.

[Juror questionnaire in Delphi homicide case 'unconventional' says legal expert](#); August 23, 2024.

Nick McLeland files the [State's Response to Defendant's Memorandum of Law](#); dated on August 26, 2024.

Peter Pogue files a [Notice of Temporary or Limited Representation](#) on behalf of Jessica Fidler M.D.; dated on August 26, 2024.

Peter Pogue files a **Motion to Quash re: Jessica Fidler M.D.**; dated August 26, 2024.

Jessica Fidler files a **Proposed Order re: Motion to Quash re: Jessica Fidler M.D.**; dated on August 26, 2024.

Judge Gull enters an **Order**; dated on August 28, 2024.

At request of counsel, Court orders the Clerk of Carroll County to withdraw the appearances of the attorneys delineated in the order, as they were entered as intervenors or for a limited purpose.

Judge Gull enters an **Order**; dated on August 28, 2024.

The Court, having reviewed the Motion to Quash Subpoena filed by Jessica Fidler, M.D., on August 26, 2024, now finds that the Motion is well founded in law and the Indiana Trial Rules and grants the Motion to Quash Subpoena.

Judge Gull enters an **Amended Order**; dated on August 28, 2024.

Amended order re: Motion to Quash Subpoena.

Notice Filed; dated on August 29, 2024.

Notice of delivery of transcript.

Judge Gull enters an **Order**; dated on August 29, 2024.

The Court, having had this matter under advisement following a hearing conducted on July 31, 2024, on the Defendant's Motion to Suppress Statements (filed April 11, 2024), the State's Objection to

Defendant's Motion to Suppress Filed April 11, 2024 (filed April 23, 2024), the State's Motion to Dismiss the Motion to Suppress Filed April 11, 2024 (filed May 17, 2024), and the State's Motion for Admissibility (filed May 6, 2024), and having considered the witnesses' testimony, the exhibits admitted into evidence, the arguments of counsel, and the applicable statutes and case law, now grants the State's Request for Pre-Trial Ruling on Admissibility pursuant to I.C. 25-33-1-17. The statements given by defendant to Dr. Monica H. Wala, Psy.D., are not privileged based upon the exception noted in the Statute, "(1) Trials for homicide when the disclosure relates directly to the fact or immediate circumstances of said homicide." All statements given by defendant to Dr. Wala are admissible in the trial. Defendant's arguments to the contrary go to the weight the jury would give such statements, not their admissibility. Having taken the State's Motion to Dismiss the Motion to Suppress Filed April 11, 2024 under advisement at the hearing, the Court agrees with the State that the defendant has failed to comply with the Criminal Rules of Procedure by neglecting to clearly state which specific statements he is seeking to suppress, nor the legal basis for the suppression. Despite these deficiencies, the Court has been able to determine that the statements given to the defendant's family members were voluntary, not coerced by any State action, and were not made under threats of violence, or improper influence. Although the Defendant is clearly in custody, he initiated the communication with his family and was not subject to custodial interrogation when he spoke to this family. Further, the statements given by defendant to the correctional officers, inmate companions, the Warden, mental health personnel, medical personnel, and the Indiana State Police were unsolicited by any of those individuals and were voluntarily given without coercion or interrogation. The defendant has not shown that he suffered from psychological coercion by the State which caused him to make these statements. To the contrary, the evidence shows he specifically sought out the Warden by written communication he initiated, and verbal statements he offered

to guards, inmate companions, mental health professionals, and medical personnel. The defendant has failed to show any of these statements were the result of coercive interrogation by the State, or that they were the result of his pre-trial detention. The totality of the circumstances of defendant's pre-trial detention were not intended to force confessions from the defendant. The defendant's pre-trial detention is to protect him from harm. The Court is not persuaded that the detention caused the defendant to make incriminating statements. While the defendant does suffer from major depressive disorder and anxiety, those are not serious mental illnesses that prevent the defendant from making voluntary statements. The Court finds the statements given by the defendant to Dr. Wala, the Warden, inmates, guards, medical personnel, mental health professionals, and law enforcement personnel were not coerced, were voluntary, were not the result of interrogation by the State or its actors, nor the product of his confinement and, therefore, denies the defendant's Motion to Suppress Statements filed April 11, 2024.

Judge Gull enters a [Confidential Order](#); dated on August 29, 2024.

Court authorizes payment to Court Reporter Jodie Williams in the amount of \$2708.25 as payment for preparation of transcripts requested in August 7, 2024, Praeceptum.

Judge Gull enters an **Order**; dated on August 30, 2024.

Order granting Motion for Order to Shorten Discovery Response Period.

Judge Gull enters an **Order**; dated on August 30, 2024.

Order granting Second Motion for Order to Shorten Discovery Response Period.

SEPTEMBER 2024

Judge Gull enters an [Order](#); dated on September 3, 2024.

The Court, having had the State's Motion in Limine under advisement following a hearing conducted on August 1, 2024, and having heard and considered the evidence, admitted exhibits, arguments of counsel, Defendant's Supplemental Submission Regarding State's Motion in Limine (filed August 13, 2024), and the State's Response to Defendant's Memorandum of Law (filed August 26, 2024), grants paragraphs 1 through 6, over defendant's objection, and grants paragraphs 8 through 12 over defendant's objection. As it relates to paragraph 7, the burden is on the defendant to show a nexus between Odinism, cult or ritualistic killing, Brad Holder, Patrick Westfall, Johnny Messer, Elvis Fields, Ned Smith, Rod Abrahms, Kegan Kline, Jerry Kline, Ron Logan and the murders of the two victims. The case law is quite clear that the nexus must not be based on speculation, conjecture, rumors, or hearsay, but rather on admissible evidence. The Court finds the defense has failed to produce admissible evidence demonstrating a nexus between Odinism, cult or ritualistic killing, Brad Holder, Patrick Westfall, Johnny Messer, Elvis Fields, Ned Smith, Rod Abrahms, Kegan Kline, Jerry Kline, Ron Logan and the murders. Therefore, the Court grants paragraph 7 of the State's Motion in Limine over defendant's objection. The Court will not permit the evidence submitted by the defense in support of their arguments regarding third-party perpetrators in the trial of this cause as the probative value of such evidence is greatly outweighed by confusion of the issues and its potential to mislead the jury. The Court will allow that evidence to support an offer of proof at the trial if one is made by Counsel. Jury selection will commence in Allen Superior Court October 14, 2024, with trial commencing in the Carroll Circuit Court, concluding November 15, 2024.

Hearing on September 4, 2024.

Closed Status Hearing.

Judge Gull enters an **Order** on September 4, 2024.

Defendant appears with Attorneys Bradley Rozzi and Jennifer Auger. State appears by Prosecuting Attorney Nicholas McLeland and Deputy Prosecuting Attorney Stacey Diener. Closed status hearing conducted and concluded.

Judge Gull enters a [Confidential Order](#); dated on September 6, 2024.

Court declines to authorize the payment of attorney fees and expenses for Attorney David Hennessy. The Court did not appoint Attorney Hennessy. Attorneys Rozzi and Baldwin retained the services of outside counsel as shown by the invoice submitted by Attorney Hennessy.

Andrew Baldwin, Brad Rozzi, and Jennifer Auger file a [Motion for Court to Certify Court Orders for Interlocutory Appeal Pursuant to Appellant Rule 14 and Request to Rule Expeditiously on Said Motion](#); dated on September 9, 2024.

Brad Rozzi files a [Subpoena Duces Tecum directed at the Indiana Department of Corrections re: John Galipeau IDOC employment records](#); dated on September 9, 2024.

Brad Rozzi files a [Subpoena Duces Tecum directed at the Indiana Attorney General re: John Galipeau IDOC employment records](#); dated on September 9, 2024.

Brad Rozzi files a [Third Motion for Order to Shorten Discovery Response Period](#); dated on September 9, 2024.

Nick McLeland files the [State's Objection to Certification of Orders to Allow for Interlocutory Appeal](#); dated on September 10, 2024.

Judge Gull enters an **Order**; on September 11, 2024.

The Court, having had the Defendant's Motion for Court to Certify Court Orders For Interlocutory Appeal Pursuant to Appellate Rule 14 and Request to Rule Expeditiously on Said Motion, filed September 9, 2024, and the State's Objection to Certification of Orders to Allow for Interlocutory Appeal, filed September 10, 2024, under advisement, now denies the Motion to Certify Court Orders. Trial remains set October 14, 2024 - November 15, 2024, with jury selection being conducted in Allen County, Indiana, and trial being conducted in Carroll County, Indiana.

Judge Gull enters an **Order**; on September 11, 2024.

Requests for Recording of Court Proceedings by News Media denied without hearing.

Judge Gull enters a [Confidential Order](#); dated on September 11, 2024.

Court authorizes payment to Depos by the Bunch, Invoice Number 230291, dated September 9, 2024, in the amount of \$380.00.

Judge Gull enters a [Confidential Order](#); dated on September 11, 2024.

Court authorizes payment to Andrew Baldwin, invoice dated September 5, 2024, for attorney fees and expenses in the amount of \$55,338.56.

Judge Gull enters a [Confidential Order](#); dated on September 11, 2024.

Court authorizes payment of attorney fees and expenses to the Law Office of Jennifer Auger, Invoice Number 8194, dated September 3, 2024 in the amount of \$6,587.09.

Andrew Baldwin files a [Motion for Jury to View Scene](#); dated on September 23, 2024.

Andrew Baldwin files a [Motion to Compel Deponents to Answer Certified Questions](#); dated on September 23, 2024.

Judge Gull enters a [**Confidential Order**](#); dated on September 24, 2024.

Court authorizes payment to Brian M. Alvey, Invoice Number 2063, dated September 3, 2024, for investigator services covering the time frame of August 1, 2024-August 29, 2024 in the amount of \$3,160.

Judge Gull enters an **Order**; dated on September 26, 2024.

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 jury selection October 14 - 16, 2024, in the Allen Superior Court. The Courthouse will open at 8:00 a.m. All entrances are closed, except for the entrance on the east side of the building. The remaining entrances will be locked with no access to the public. 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. 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. No electronic devices, including electronic watches, electronic eyeglasses, etcetera, are permitted in the building. Violations are subject to seizure and destruction of the electronic device without further notice. Media personnel are permitted to attend the Court session. NO cameras, electronics, lap tops or recording equipment of any kind is permitted in the Allen County 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. 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. Public seating in the Allen Superior Courtroom One is extremely limited. The Sheriff of Carroll County or his designee will ensure that the victim representatives are seated and that the defendant's family is seated in six reserved seats in the back of the Courtroom. The credentialed media is allotted five seats to be divided at their discretion. The Court will not mediate any dispute regarding seating. The remaining seating in the back of the Courtroom, if any, is available until full. No one, other than Court Security and law enforcement, will be permitted to stand in the Courtroom. No food or beverages are permitted inside the Courtroom. Water will be permitted for the parties in the well of the Courtroom. All members of the public and the media are required to follow directives of the Sheriff of Carroll County, the Sheriff of Allen County, Courthouse Security, and Courtroom Security. 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. At the conclusion of the scheduled session, all members of the public and media will remain seated in the courtroom until Court Security releases them. The Courtroom will be locked between sessions of the Court. Doors will be unlocked for the afternoon session at 1:30 p.m. 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 is punishable as direct contempt of court and will result in a term of imprisonment and permanent exclusion from the Courtroom, the Courthouse, and all future proceedings.

Judge Gull enters an **Order**; dated on September 26, 2024.

Court takes defendant's Motion for Jury to View Scene under advisement pending a response by the State of Indiana and a hearing to be conducted at the conclusion of jury selection in Allen County.

Judge Gull enters a [Confidential Order](#); dated on September 26, 2024.

Court authorizes payment to Hillis, Hillis, Rozzi and Dean, Invoice Number 3425, dated September 18, 2024, for administrative expenses in the amount of \$1,001.50.

Judge Gull enters a [Confidential Order](#); dated on September 26, 2024.

Court authorizes payment to Hillis, Hillis, Rozzi and Dean, Invoice Number 3424, dated September 18, 2024, for attorney fees in the amount of \$12,034.00.

Todd Rokita files a [Non-Party IDOC Response to Defendant's Motion to Compel Deponents to Answer Certified Questions](#) and [Exhibits](#); dated on September 27, 2024.

Nick McLeland files the [State's Objection to Defendant's Motion for Jury to View Scene](#); dated on September 27, 2024.

Nick McLeland files the [State's Response re: Motion to Compel Deponents to Answer Certified Questions](#); dated on September 27, 2024.

Nick McLeland files the [State's Motion in Limine Regarding Defense Witness](#); dated on September 27, 2024.

Defense files an **Ex Parte Motion**; filed on September 30, 2024.

Judge Gull enters an **Ex Parte Order**; dated on September 30, 2024.

Judge Gull enters a [Courthouse Management and Decorum Order](#); dated September 30, 2024.

Attorneys for Media Intervenors file a [News Media Coalition's Motion To Inspect Public Trial Exhibits](#) and [Exhibit](#); dated on September 30, 2024.

Judge Gull enters a [Confidential Order](#); dated on September 30, 2024.

Court authorizes reimbursement to Attorney Andrew Baldwin in the amount of \$12,400 for Stacey Eldridge, a cell phone expert. Court takes defendant's request for additional funds for Neal Broom under advisement as nothing has been submitted to support an additional \$5000. Court denies funding for a DNA expert as counsel has failed to substantiate this claim and has failed to submit documentation. Court takes the request for additional funding for Dr. Stuart Grassian under advisement as counsel has failed to submit an appropriate request. Counsel's request for \$825 for National Center for Audio and Video Forensics is granted.

OCTOBER 2024

Brad Rozzi files a [Praecipe for Transcript](#); dated on October 1, 2024.

Notice to the Court; filed on October 2, 2024.

Supplemental Witness List and Exhibit Notice3.pdf

Brad Rozzi files [Defendant's Response to State's Motion in Limine Regarding Defense Witness Hearing](#); dated on October 7, 2024.

Notice Filed; dated on October 7, 2024.

Notice of delivery of transcript for the closed hearing on August 23, 2024.

Brad Rozzi files a [Motion for Order on Designated Defense Representatives](#); dated on October 7, 2024.

Brad Rozzi files a [Motion for Transport of IDOC Inmate](#); dated on October 10, 2024.

Judge Gull enters a **Transport Order**, dated on October 10, 2024.

Transport Order for IDOC Inmate #250845 (James L. Haas @ Indiana State Prison); IDOC Inmate #294614 (Kegan A. Kline @ Newcastle Correctional Facility); IDOC Inmate #286303 (James B. Chadwell @ Wabash Valley Level 3 Facility); IDOC Inmate #114393 (Ricci D Davis Jr. @ Newcastle Correctional Facility).

Judge Gull enters a [Confidential Order](#); dated on October 10, 2024.

Court authorizes payment to Jodie Williams in the amount of \$149.50 for preparation of transcript of August 23, 2024, hearing as requested by PD Andrew Baldwin.

Brad Rozzi files a [Motion in Limine](#); dated on October 11, 2024.

Brad Rozzi files a [Verified Motion for Certificate of Appearance Regarding Out-of-State Witness](#); dated on October 11, 2024.

Brad Rozzi, Andrew Baldwin, and Jennifer Auger file [Defendant's Motion to Incorporate Evidence Presented At The August 1st Pre-Trial Hearing Into Offer of Proof at Trial](#); dated on October 11, 2024.

Judge Gull enters a [Confidential Order](#); dated on October 11, 2024.

Court authorizes payment to Depos by the Bunch, Invoice Number 230300, dated October 3, 2024, in the amount of \$1,361.05; Invoice Number 230302, dated October 3, 2024, in the amount of \$784.95; Invoice Number 230304, dated October 3, 2024, in the amount of \$452.35; Invoice Number 230306, dated October 3, 2024, in the amount of \$2,153.48; and Invoice Number 230310, dated October 5, 2024, in the amount of \$1,758.62.

Judge Gull enters a [Confidential Order](#); dated on October 11, 2024.

Court authorizes payment to the Law Office of Jennifer Auger, Invoice Number 8199, dated October 2, 2024, in the amount of \$6489.62 for attorney fees and mileage.

Judge Gull enters a [Confidential Order](#); dated on October 11, 2024.

Court authorizes payment to the law firm of Baldwin, Perry and Wiley, P.C. for attorney fees and mileage covering the time period of August 6, 2024, through September 30, 2024, in the amount of \$13,131.40. Court further authorizes payment to the law firm Baldwin, Perry and Wiley, P.C. for administrative expenses and expenses covering the time period of August 1, 2024, through September 19, 2024, in the amount of \$21,61.77.

Jury Trial on October 14, 2024.

Session: 10/14/2024 9:00 am. Jury Selection.

Judge Gull enters an **Order**; dated on October 14, 2024.

The Court, having had defendant's Motion to Compel Dependent's to Answer Certified Questions, filed September 23, 2024, under advisement, and having reviewed the State's Response, filed September 27, 2024, and the Non-Party Indiana Department of Correction's Response to Defendant's Motion, filed September 27, 2024, now denies the Motion to Compel without hearing for the reasons stated in the response filed September 27, 2024 (attorney-client privilege or work product privilege.)

Judge Gull enters an **Order**; dated on October 14, 2024.

Court orders defendant's pleading, Verified Motion for Certificate of Appearance Regarding Out-Of-State Witness, and accompanying Order, to be made a confidential pleading as counsel has included personal address information of a witness. Counsel ordered to file a redacted pleading removing the address.

Judge Gull enters an [Order](#); dated on October 14, 2024.

Comes now the Court and having reviewed Defendant Allen's Motion for Order on Designated Defense Representatives, now grants said Motion and authorizes Max Baker to act as designated representative of the Defense Team during the course of the trial in this cause. Accordingly, Max Baker will be excluded as a potential defense witness pursuant to Rule 615 of the Indiana Rules of Trial Procedure.

Judge Gull enters an **Order**; dated on October 14, 2024.

Daily Order for 10/14.

Jury Trial on October 15, 2024.

Session: 10/15/2024 9:00 am. Jury Selection and motions.

Witness List and/or Exhibit List filed; dated on October 15, 2024.

Defense files a [Verified Motion for Certificate of Appearance Regarding Out-of-State Witness](#); dated on October 15, 2024.

Nick McLeland files a [Motion in Limine re: Sketches](#); dated on October 15, 2024.

Nick McLeland files a **Motion in Limine re: IPAS**; dated on October 15, 2024.

Judge Gull enters an **Order**; dated on October 15, 2024.

Daily Order for 10/15.

Jury Trial on October 16, 2024.

Session: 10/16/2024 9:00 am. Jury Selection and motions.

Judge Gull enters an [Order](#); dated on October 16, 2024.

The Court, having had defendant's Motion to Incorporate Evidence Presented at the August 1st Pretrial Hearing into Offer of Proof at Trial,

now grants the Motion without hearing. Defendant is authorized to incorporate the evidence admitted at the August 1, 2024 hearing on the State's Motion in Limine regarding alleged third party suspects and alleged connections to the Norse Pagan Religion and the Odin Religion as an offer of proof regarding the issue at trial for purposes of judicial economy.

Judge Gull enters an [Order](#); dated on October 16, 2024.

The Court has received a Request for Recording of Court Proceedings by News Media from Erika Facey, WISH-TV, and denies same.

Judge Gull enters an [Order](#); dated on October 16, 2024.

Pursuant to the Court's inherent authority to manage the Courtroom to ensure a fair trial and to ensure access to the public and the media, the Court issues this Addendum to the Decorum Order dated September 30, 2024, as follows: The Public and the Media are reminded that no food or beverages will be permitted in the Carroll Circuit Courtroom. The Public and the Media are reminded that no electronic devices of any kind are permitted in the Carroll County Courthouse during the pendency of the trial. Press passes to the trial will be distributed at 3:00 p.m. on October 17, 2024, in the Carroll Circuit Courtroom. The twelve (12) press passes will be provided to representatives of the Delphi Trial Media Coalition as organized by Cyndee Hebert, WTHR, Cyndee.Hebert@wthr.com, on behalf of news media as defined in Indiana Code 34-46-4-1. Press who meets the I.C. 34-46-4-1 definition is invited to contact Ms. Hebert by e-mail to join their coalition to be part of the news pool. Disputes among media are previously addressed by the Court's September 30, 2024, Order.

Judge Gull enters an [Order](#); dated on October 16, 2024.

The Court, having had the News Media Coalition's Motion to Inspect Public Trial Exhibits, filed September 30, 2024, under advisement, now issues its Order addressing the media's complaints as follows: The

hearing conducted in Carroll Circuit Court on July 30-August 1, 2024, was open to the public and the media and, in fact, attended by members of the media, as well as the public. At said hearing, well over 1,000 pages of exhibits, documents, and photographs were submitted by the parties in support of their respective positions. At the conclusion of the hearing on August 1, 2024, the Court took the matter under advisement. The Court indicated it would take approximately thirty (30) days to issue its rulings on the multiple motions which were heard. The media immediately, on August 2, 2024, demanded access to the exhibits. This was an unreasonable request as the Court had just taken the matter under advisement the previous day and the Court needed absolute access to the exhibits to review and make a ruling. The Court would note that this murder case is one of over 300 pending cases on this Court's docket, with approximately thirty (30) of those cases being murder cases. The Court and the Court Reporter have worked into the evenings and on the weekends to comply with the demands made by the media. Of the well over 1,000 pages of exhibits, documents, and photographs (several of the photographs were admitted into evidence as "confidential" by agreement of the parties due to the extremely graphic nature of the photographs) the Court has identified dozens of exhibits which are not accessible to the media or the public as they contain employment personnel records, medical records, mental health records, financial bank records, records containing social security numbers and dates of birth, autopsy reports, work-product of counsel, depositions containing confidential exhibits, and reports which were marked by the creator of the report as confidential. The Court has obtained the services of a Senior Judge to supervise the review of those exhibits which are accessible to the media. The Senior Judge, Judge Marianne Vorhees, has indicated she will make the exhibits available to the media on Tuesday, October 22, 2024, at 10:00 am at a location in the Allen County Courthouse, located in Fort Wayne Indiana. The media is also demanding access to the exhibits which will be introduced at the trial, commencing October

18, 2024-November 15, 2024. At the conclusion of each trial day, the Court will allow the media access to those exhibits for fifteen (15) minutes.

Judge Gull enters an **Order**; dated on October 16, 2024.
Certificate of Appearance

Jury Trial on October 17, 2024.

Session: 10/17/2024 9:00 am. Jury Selection and motions.

Jennifer Auger files [Brief in Response to Prosecution's Motion in Limine Regarding Composite Sketches](#); dated on October 17, 2024.

Jury Trial on October 18, 2024.

Session: 10/18/2024 9:00 am. Jury Trial. State's 1st witness: Becky Patty, Libby German's grandmother. State's 2nd witness: Kelsi Siebert, Libby's older sister. State's 3rd witness: Derrick German, Libby's father. State's 4th witness: Anna Williams, Abby's mother. State's 5th witness: Carroll County Deputy Mitchell Cantron.

Jennifer Auger files a [Notice of Change of Address](#); dated on October 18, 2024.

Judge Gull enters an [Order](#); dated on October 18, 2024.

Prior to the commencement of proceedings in this cause, the Court was informed by members of the Carroll County Sheriff's Department that members of the media filmed and photographed the jury as their vehicles approached the entrance to the Courthouse. An officer approached the reporter from NBC and personally viewed the footage containing images of the jurors. The officer confiscated a Sony camcorder from Eric Arnold, NBC; a Nikon camera from Ryan Delaney; two (2) cameras from Mike Conroy, Associated Press; and two (2) cameras from Alex Martin, Gannet. The Court had the memory cards

removed to have the jurors' images erased. The Court has banned the above-named individuals from the proceedings in this cause for their violations of the Court's Decorum Order.

Judge Gull files [Instructions of Court Pursuant to Criminal Rule and Jury Rule 20 of the Indiana Supreme Court of the State of Indiana](#); dated on October 18, 2024.

Parties file [First Joint Stipulation Regarding Evidentiary Matters](#); dated on October 18, 2024.

Judge Gull enters an **Order**; dated on October 18, 2024.
Daily Order 10/18.

Jury Trial on October 19, 2024.

Session: 10/19/2024 9:00 am. Jury Trial. State's 6th witness: Steve Mullin, former Delphi police chief. State's 7th witness: Jake Johns, lifelong Delphi resident. State's 8th witness: Pat Brown, who found Libby and Abby's bodies.

Judge Gull enters an **Order**; dated on October 19, 2024.
Daily Order 10/19.

Jennifer Auger files [Defendant's Motion in Limine Regarding Videos From the Victim's Phone](#); dated on October 20, 2024.

Jury Trial on October 21, 2024.

Session: 10/21/2024 9:00 am. Jury Trial. State's 9th witness: Darron Giancola, detective with the Carroll County Sheriff's Office. State's 10th witness: Indiana State Police Sgt. Jason Page. State's 11th witness: Duane Datzman, retired Indiana State Police crime scene investigator. State's 12th witness: Brian Olehy, Indiana State Police investigator.

Judge Gull enters an [Order](#); dated on October 21, 2024.

On October 21, 2024, the Court returned the confiscated equipment to Scott R. Leisz, Bingham, Greenbaum, Doll, LLP, Attorney for Eric Arnold, Alex Martin, and Mike Conroy. The Court will also return Ryan Delaney's property, but he has not retained counsel so the Court will have to make separate arrangements.

Andrea Burkhardt files a [Motion to Intervene and For Public Access to Court Records](#); dated on October 21, 2024.

Judge Gull enters an **Order**; dated on October 21, 2024.

Daily Order 10/21.

Jury Trial on October 22, 2024.

Session: 10/22/2024 9:00 am. Jury Trial. State's 13th witness: Brian Bunner, Indiana State Police digital forensic examiner. State's 14th witness: Jeremy Chapman, Indiana state Police assistant administrator. State's 15th witness: Raily Voorhies, on the bridge the day of the murders. State's 16th witness: Breann Wilber, who was a student at Delphi High School in 2017. She was friends with Kelsi German, Libby's sister. State's 17th witness: Betsy Blair. State's 6th witness: Steve Mullin, former Delphi police chief.

Judge Gull enters an [Order](#); dated on October 22, 2024.

The Court, having taken this matter under advisement following a hearing conducted on October 17, 2024, on the State's Motion in Limine Regarding Defense Witness, and the Defendant's Response, filed October 7, 2024, and having heard and considered the arguments of counsel and Defendant's Exhibits D through G, now finds that Dr. William Tobin is an expert in the field of metallurgy and has been recognized as an expert in that field by several courts of various jurisdictions. Dr. Tobin is not a firearms expert, has had no training in firearms identification, and has never conducted a firearms

examination. Specifically, Dr. Tobin did not examine the evidence in this case. The topic of this witness' testimony does not go to an issue before the jury and lacks relevance. The Court, therefore, grants the State's Motion in Limine, and finds Dr. Tobin's testimony to be inadmissible.

Judge Gull enters an [Order](#); dated on October 22, 2024.

Andrea Burkhart's Motion for Leave to Intervene and for Public Access to Court Records, filed October 21, 2024, reviewed and denied without hearing. Indiana Trial Rule 74(D) limits the availability of the audio recording of a proceeding to a party. As Andrea Burkhart is not a party to these proceedings, the Court is not required to provide the recording. The balance of the Motion to Intervene is merely a complaint about how the Court is conducting a trial.

Judge Gull enters an **Order**; dated on October 22, 2024.

Daily Order 10/22.

Jury Trial on October 23, 2024.

Session: 10/23/2024 9:00 am. Jury Trial. State's 18th witness: Sarah Carbaugh, saw "bridge guy". State's 19th witness: Dr. Roland Kohr, who performed the autopsies. State's 20th witness: Indiana State Police Sgt. Christopher Cecil.

Andrew Baldwin files a [Motion to Admit Evidence of Odinism/Norse Paganism/Ritualistic Killing](#); dated on October 23, 2024.

Judge Gull enters an **Order**; dated on October 23, 2024.

Daily Order 10/23.

Jury Trial on October 24, 2024.

Session: 10/24/2024 9:00 am. Jury Trial. State's 21st witness: Kathy Shank, volunteer file clerk who found Allen's file. State's 22nd witness:

Dan Dulin, a DNR officer who interviewed Allen. State's 6th witness, Steve Mullin, returns to the stand. State's 23rd witness, Carroll County Sheriff Tony Liggett. State's 24th witness, Indiana State Police Detective Dave Vido. State's 25th witness, Indiana State Police Lieutenant Jerry Holeman.

Thomas J. O'Brien files a [Limited Appearance](#); dated on October 24, 2024.

Thomas J. O'Brien files a [Motion To Quash Subpoena](#); dated on October 24, 2024.

Judge Gull enters an **Order**; dated on October 24, 2024.

Defendant, with Attorneys Bradley Rozzi, Andrew Baldwin, and Jennifer Auger, and State, with Nicholas McLeland, James Luttrull, and Stacey Diener. Jury admonished and ordered to return at 9:00 am on 10/25/2024. Court in recess at 4:46 pm.

Jury Trial on October 25, 2024.

Session: 10/25/2024 9:00 am. Jury Trial. State's 26th witness, former Indiana State Police Firearm Examiner Melissa Oberg.

Judge Gull enters an **Order**; dated on October 25, 2024.

Defendant, with Attorneys Bradley Rozzi, Andrew Baldwin, and Jennifer Auger, and State, with Nicholas McLeland, James Luttrull, and Stacey Diener. State presents evidence. Court in recess at 5:10 pm with jury admonished.

Jury Trial on October 26, 2024.

Session: 10/26/2024 9:00 am. Jury Trial. State's 25th witness, Indiana State Police Lieutenant Jerry Holeman.

Judge Gull enters an **Order**; dated on October 26, 2024.

Defendant, with Attorneys Bradley Rozzi, Andrew Baldwin, and Jennifer Auger, and State, with Nicholas McLeland, James Luttrull, and Stacey Diener. Defense present evidence. Recess at 11:20 am with the jury admonished. Court will reconvene at 9:00 am on 10/28/2024.

Jury Trial on October 28, 2024.

Session: 10/28/2024 9:00 am. Jury Trial. State's 27th witness, Indiana State Police DNA analyst Stacy Bozinovski. State's 28th witness, LaPorte County Sheriff's Major Pat Cicero, crime scene investigator.

Judge Gull enters an [Order](#); dated on October 28, 2024.

Comes now Robert Ives, Former Prosecuting Attorney, by counsel, Thomas J. O'Brien, and files a Motion to Quash Subpoena in the above-entitled cause. The Court, being duly advised, now GRANTS said Motion and strikes the Defense's Subpoena served upon Robert Ives requesting him to testify at the Jury Trial in the above-entitled cause.

Judge Gull enters an **Order**; dated on October 28, 2024.

Defendant, with Attorneys Bradley Rozzi, Andrew Baldwin, and Jennifer Auger, and State, with Nicholas McLeland, James Luttrull, and Stacey Diener. State presents evidence. Recess at 5:13 pm with the jury admonished and ordered to return at 9:00 am on 10/29/2024.

Jury Trial on October 29, 2024.

Session: 10/29/2024 9:00 am. Jury Trial. State's 29th witness, John Galipeau, former warden at Westville Correctional Facility. State's 30th witness, Ethan Drang, a Westville correctional officer. State's 31st witness, Michael Clemons, a Westville correctional officer. State's 32nd witness, Michael Roberts, a Westville correctional officer. State's 34th witness, John Miller, a Westville correctional officer. State's 35th witness, Brandon Fisher, a Westville correctional officer. State's 36th

witness, Raymond Smith, a Westville correctional officer. State's 37th witness, Jason Bedwell, a Wabash Correctional Facility officer.

Brad Rozzi files a [Motion for Transfer of IDOC Inmate](#); dated on October 29, 2024.

Judge Gull enters an **Order**; dated on October 29, 2024.

Defendant, with Attorneys Bradley Rozzi, Andrew Baldwin, and Jennifer Auger, and State, with Nicholas McLeland, James Luttrull, and Stacey Diener. State presents evidence. Recess at 6:28 pm with the jury admonished and ordered to return at 9:00 am on 10/30/2024.

Judge Gull enters an **Order**; dated on October 29, 2024.
Security Order.

Jury Trial on October 30, 2024.

Session: 10/30/2024 9:00 am. Jury Trial. State's 38th witness, Dr. Monica Wala, lead psychologist at Westville Correctional Facility in 2022 and 2023. State's 39th Witness, Delphi resident Brad Weber. State's 6th Witness, Steve Mullin.

Andrew Baldwin files [The Accused's Second Motion to Admit Evidence of Odinism/Norse Paganism/Ritualistic Killing and Also Motion to Admit Evidence Concerning Elvis Fields and Brad Holder as Third-Party Suspects](#); dated on October 30, 2024.

Judge Gull enters an **Order**; dated on October 30, 2024.

Defendant, with Attorneys Bradley Rozzi, Andrew Baldwin, and Jennifer Auger, and State, with Nicholas McLeland, James Luttrull, and Stacey Diener. State presents evidence. Recess at 4:00 pm with the jury admonished. Court to reconvene at 9:00 am on 10/31/2024.

Jury Trial on October 31, 2024.

Session: 10/31/2024 9:00 am. Jury Trial. State Police Master Trooper Brian Harshman. State rests Case in Chief. Defense's 1st witness, Cheyenne Mill. Defense's 2nd witness, Theresa Liebert.

Andrea Burkhardt files [Verified Petition for Writ of Mandamus](#); dated on October 31, 2024.

Andrea Burkhardt files [Relator's Brief in Support of Petition for Writ of Mandamus](#); dated on October 31, 2024.

Judge Gull enters an **Order**; dated on October 31, 2024.

Defendant, with Attorneys Bradley Rozzi, Andrew Baldwin, and Jennifer Auger, and State, with Nicholas McLeland, James Luttrull, and Stacey Diener. State continues its presentation of evidence and rests at 3:55 pm. Recess at 5:04 pm with the jury admonished. Court to reconvene on November 1, 2024 at 9:00 am.

Judge Gull enters an **Order**; dated on October 31, 2024.

Order for Transport.

NOVEMBER 2024

Jury Trial on November 1, 2024.

Session: 11/1/2024 9:00 am. Jury Trial. Defense's 3rd witness, Christopher Gootee, a Hammond Police Department officer. Defense's 4th witness, Dr. Deanna Dwenger, a behavioral health specialist for the Indiana Department of Corrections. Defense's 5th witness, Max Baker, a legal intern. Defense's 6th witness, Brad Heath, lives near Delphi. Defense's 7th witness, David McCain. Defense's 8th witness, Darrell Sterrett, former Delphi Fire Chief. Defense's 9th witness, Steve Mullin, Former Delphi Police Chief. Defense's 10th witness Tobe Leazenby, Former Carroll County Sheriff.

Jennifer Auger files a [Motion for Witness to Appear Remotely](#); dated on November 1, 2024.

Judge Gull enters an **Order**; dated on November 1, 2024.

Defendant, with Attorneys Bradley Rozzi, Andrew Baldwin, and Jennifer Auger, and State, with Nicholas McLeland, James Luttrull, and Stacey Diener. Defendant presents evidence. Recess at 5:02 pm with the jury admonished. Court to reconvene at 9:00 am on 11/2/2024.

Judge Gull enters an **Order**; dated on November 1, 2024.

Order on pending motions.

Jury Trial on November 2, 2024.

Session: 11/2/2024 9:00 am. Jury Trial. Defense's 11th witness, Max Baker, defense attorney intern. Defense's 12th witness, ISP Supt. Doug Carter.

Judge Gull enters an [Order](#); dated November 2, 2024.

Defendant, with Attorneys Bradley Rozzi, Andrew Baldwin, and Jennifer Auger, and State, with Nicholas McLeland, James Luttrull, and Stacey Diener. Defense present evidence. Recess at 11:56 am with the jury admonished. Court will reconvene at 9:00 am on 11/4/2024.

Judge Gull enters an **Order**; dated on November 2, 2024.

Defendant, with Attorneys Bradley Rozzi, Andrew Baldwin, and Jennifer Auger, and State, with Nicholas McLeland, James Luttrull, and Stacey Diener. Defense present evidence. Recess at 11:56 am with the jury admonished. Court will reconvene at 9:00 am on 11/4/2024.

Jury Trial on November 4, 2024.

Session: 11/4/2024 9:00 am. Jury Trial. Defense's 13th witness, Dr. Polly Wescott, a forensic psychologist. Defense's 5th witness, Max Baker, a legal intern. Defense's 14th witness, Jaimie Jones, Richard Allen's

sister. Defense's 15th witness, Brittney Zapanta, Richard Allen's daughter. Defense's 16th witness, Shelby Hicks, who was on the trail the afternoon of the murders. Defense's 9th witness, Steve Mullin, former Delphi police chief. Defense's 17th witness, Brad Weber, who lives near the crime scene.

Judge Gull enters an [Order](#); dated November 4, 2024.

Defendant, with Attorneys Bradley Rozzi, Andrew Baldwin, and Jennifer Auger, and State, with Nicholas McLeland, James Luttrull, and Stacey Diener. Defense present evidence. Recess at 3:40 pm with the jury admonished. Court will reconvene at 9:00 am on 11/5/2024.

Judge Gull enters an **Order**; dated on November 4, 2024.

Defendant, with Attorneys Bradley Rozzi, Andrew Baldwin, and Jennifer Auger, and State, with Nicholas McLeland, James Luttrull, and Stacey Diener. Defense present evidence. Recess at 3:40 pm with the jury admonished. Court will reconvene at 9:00 am on 11/5/2024.

Jury Trial on November 5, 2024.

Session: 11/5/2024 9:00 am. Jury Trial. Defense's 18th witness, Betsy Blair. Defense's 19th witness, Dr. Stuart Grassian. Defense's 20th witness, Dr. Erin Warren. Defense's 21st witness, Stacy Eldridge, a former FBI forensic examiner.

Nick McLeland files the [State's Motion in Limine Regarding Defense Expert Dr. Stuart Grassian](#); dated on November 5, 2024.

Judge Gull enters an [Order](#); dated November 5, 2024.

Defendant, with Attorneys Bradley Rozzi, Andrew Baldwin, and Jennifer Auger, and State, with Nicholas McLeland, James Luttrull, and Stacey Diener. Defense present evidence. Recess at 4:25 pm with the jury admonished. Court will reconvene at 9:00 am on 11/6/2024.

Judge Gull enters an **Order**; dated on November 5, 2024.

Defendant, with Attorneys Bradley Rozzi, Andrew Baldwin, and Jennifer Auger, and State, with Nicholas McLeland, James Luttrull, and Stacey Diener. Defense present evidence. Recess at 4:25 pm with the jury admonished. Court will reconvene at 9:00 am on 11/6/2024.

Jury Trial on November 6, 2024.

Session: 11/6/2024 9:00 am. Jury Trial. Defense Rests. State's Rebuttal Witnesses: Breann Wilber, who was a student at Delphi High School in 2017. She was friends with Kelsi German, Libby's sister. State's 40th witness, Indiana State Police Master Trooper Brian Harshman. Dr. State's 3rd rebuttal witness, John Martin, physician who administered Haldol to Richard Allen when he was in prison.

Judge Gull enters an **Order**; dated on November 6, 2024.

Daily Order for 11/6.

Jury Trial on November 7, 2024.

Session: 11/7/2024 9:00 am. Jury Trial. Closing Arguments. The jury left to deliberate with instructions at 1:24 pm. Deliberations ended at 3:30 pm. Jury will reconvene 11/8/24 at 9:00 am.

Judge Gull enters the [Final Instructions of the Court](#); dated on November 7, 2024.

Judge Gull enters an **Order**; dated on November 7, 2024.

Daily Order for 11/7.

Jury Trial on November 8, 2024.

Session: 11/8/2024 9:00 am. The jury began deliberating at 9:00 am. Deliberations ended at 4:00 pm. Jury will reconvene 11/9/24 at 9:00 am.

Judge Gull enters an [Order](#); dated on November 8, 2024.

Jury returns to its jury room at 9:00 am under the supervision of the bailiffs. At approximately 2:00 pm, the jury sends out a note requesting to review evidence of 11-9-2024. Jury returns to hotel under the supervision of the bailiffs at 3:50 pm to return at 9:00 am on 11-9-2024.

Jury Trial on November 9, 2024.

Session: 11/9/2024 9:00 am. The jury began deliberating around 9:00 am. Deliberations ended at 2:45 pm. Jury will reconvene 11/11/24 at 9:00 am.

Judge Gull enters an [Order](#); dated on November 9, 2024.

Jury returns to its jury room at 9:00 am to resume deliberations under the supervision of the bailiffs. At approximately 10:00 am, the jury is returned to the Courtroom in the presence of the attorneys and the defendant to review State's exhibit 290, 246, 207, and 291. Jury retires to deliberate at 1:38 pm. Counsel reminded of the gag order and the Court's concerns. Jury returns to hotel under the supervision of the bailiffs at 2:45 pm.

Jury Trial on November 11, 2024.

Session: 11/11/2024 9:00 am. Jury Deliberations until approx 1:15 pm. Jury has reached a verdict: Guilty on all charges.

Judge Gull enters an [Order](#); dated on November 11, 2024.

Jury returns to its jury room at 9:00 am to resume deliberations under the supervision of the bailiffs. Court is informed the jury has reached a verdict; Counsel contacted to return to the Courthouse to receive verdicts. Counsel return to the Courtroom at 2:10 pm. Court awaits the return of attorneys Rozzi and Auger, who join co-counsel and defendant at 2:15 pm. Jury escorted back into the courtroom at 2:18 pm with verdicts: Count 1 - Guilty; Count 2 - Guilty; Count 3 - Guilty;

Count 4 - Guilty; Jury polled at attorney Baldwin's request, and is then thanked for their service and released and discharged. Court enters judgement of convictions. PSI ordered from the Allen County Adult Probation Department (due to the conflict expressed to the Court previously by the Carroll County Adult Probation Department), return date December 13, 2024. 30 days waived. Sentencing set for December 20, 2024 at 9:00 am-5:00 pm.

Jury Verdict filed on November 11, 2024.

Nick McLeland files a [Preacipe for Transcript](#); dated on November 21, 2024.

WTHR files a request for cameras for the December 20, 2024 sentencing hearing; dated on November 22, 2024.

Judge Gull enters an [Order](#); dated on November 22, 2024.

Request for Recording of Court Proceedings by News Media received from Erika Facey, WISH-TV, and Cyndee Hebert, WTHR-TV, for December 20, 2024 hearing are denied.

DECEMBER 2024

Cyndee Hebert files a [request for audio](#); dated on December 4, 2024.

Judge Gull enters a [Confidential Order](#); dated on December 4, 2024.

Court authorizes reimbursement to Eric Warren, Invoice Number 2091, dated November 19, 2024, in the amount of \$8,101.01 for services covering the period of time from April 28, 2024, through November 19, 2024 (Final Payment).

Judge Gull enters a [Confidential Order](#); dated on December 4, 2024.

Court authorizes reimbursement to Attorney Brad Rozzi of housing expenses for defense team in the amount of \$3,300.00 (Final Payment).

Judge Gull enters a [Confidential Order](#); dated on December 4, 2024.

Court authorizes payment to Brian Alvey, Invoice dated November 7, 2024, for services covering the period of time from September 2, 2024, through November 11, 2024, in the amount of \$6,440.00 (Final Payment).

Judge Gull enters a [Confidential Order](#); dated on December 4, 2024.

Court authorizes payment to Dr. Polly Westcott, Invoices dated October 28, 2024, and November 5, 2024, for services covering the period of time of August, 2024, through November 4, 2024, in the amount of \$7,875 (Final Payment).

Judge Gull enters a [Confidential Order](#); dated on December 4, 2024.

Court authorizes payment to Bour Technical Services, Invoice Number 1372, in the amount of \$5,684.95 for services (Final Payment).

Judge Gull enters a [Confidential Order](#); dated on December 4, 2024.

Court authorizes payment to Attorney Andrew J. Baldwin, Invoice dated November 18, 2024, for services covering the period of time from October 1, 2024 through November 12, 2024, in the amount of \$42,858.30.

Judge Gull enters an [Order](#); dated on December 5, 2024.

Court has received a Request for Recording of Court Proceedings by News Media from Cindi Andrews, Indy Star, and denies same.

Judge Gull enters a [Confidential Order](#); dated on December 9, 2024.

Court authorizes payment to Dr. Stuart Grassian for professional fees and expenses for the period of time covering April 30, 2024, through November 5, 2024, in the amount of \$17,714.72. (Final Payment).

Judge Gull enters a [Confidential Order](#); dated on December 9, 2024.

Court authorizes payment to Attorney Brad Rozzi, Invoice 3497 covering the time period of September 16, 2024, through November 15, 2024, in the amount of \$61,100 for attorney fees.

Judge Gull enters a [Confidential Order](#); dated on December 9, 2024.

Court authorizes payment to Attorney Brad Rozzi for administrative expenses, Invoice 3500 in the amount of \$3,866.04; Invoice 3501 in the amount of \$4,605; and Invoice 3502 in the amount of \$2,659.60 for the time period covering September 16, 2024, through November 18, 2024.

Judge Gull enters a [Confidential Order](#); dated on December 9, 2024.

Court authorizes payment to Attorney Jennifer Auger, Invoice 8258, dated October 29, 2024, in the amount of \$27,890 covering the period of time from October 3, 2024, through October 28, 2024, for attorney fees, and Invoice 8301 in the amount of \$16,300 covering the period of time from October 29, 2024, through November 18, 2024, for attorney fees.

Judge Gull enters a [Confidential Order](#); dated on December 9, 2024.

Court authorizes payment to Baldwin, Perry, and Wiley, P.C. for attorney fees and expenses covering the period of October 4, 2024, through November 12, 2024, in the amount of \$16,683.92.

Judge Gull enters an [Order](#); dated on December 10, 2024:

Court has received a Request for broadcast coverage from Cyndee Hebert, WTHR-TV, and denies same.

Allen County Adult Probation files a **PreSentence Investigation Report**; dated on December 13, 2024.

Allen County Adult Probation files an [Administrative Rule 9 \(G\)\(5\) Notice of Exclusion of Confidential Information From Public Access](#); dated on December 13, 2024.

Judge Gull enters an [Order](#); dated December 13, 2024.

The Carroll Circuit Court, by Special Judge Frances Gull, having been advised copies of the Presentence Investigation, which was filed on December 13, 2024, may have inadvertently been made accessible to Margaret Christensen, Jessica Laurin Meek, and/or Dan Byron, does hereby order said parties to delete and/or destroy all documents they may have received as part of the Presentence Investigation filing of December 13, 2024. Pursuant to Administrative Rule 9(G) and Indiana Code 35-38-1-13, the Presentence Investigation is a confidential document and the above named individuals are not permitted parties, pursuant to said statute. So ordered this 13th day of December, 2024.

Judge Gull enters an [Order](#); dated on December 16, 2024.

Defense counsel has previously indicated they may be filing a Sentencing Memorandum with the Court prior to the scheduled sentencing on December 20, 2024. Defense counsel ordered to file any Memorandum on or before Wednesday, December 18, 2024, by 5:00 pm to ensure the Court has ample opportunity to review their filing.

Judge Gull enters an [Order](#); dated on December 17, 2024.

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, December 20, 2024, in the Carroll Circuit Court. 1. The Courthouse will open at 8:00 am. 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 not permitted in the building. 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, laptops or recording equipment of any kind is permitted in the Carroll Circuit Courtroom. 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 reserved for media personnel as defined by [IC 34-46-4-1](#). The Sheriff of Carroll County or his designee will ensure that the victim representatives and defendant's family 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 hearings 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.

Brad Rozzi files a [Praecipe for Transcript](#); dated on December 18, 2024.

Andrew Baldwin files [Defendant's Motion to Preserve Evidence](#); dated on December 19, 2024.

Brad Rozzi files a [Motion to Refer to State Public Defender for Appointment of Appellate Counsel](#); dated on December 19, 2024.

Nick McLeland files a [Motion to Seal and Keep Confidential Crime Scene Photos and Autopsy Photos](#); dated on December 20, 2024.

Andrew Baldwin files a [Sentencing Memorandum](#); dated on December 20, 2024.

Sentencing Hearing on December 20, 2024.

Scheduled for December 20, 2024 at 9:00 am.

Record of Proceedings at Sentencing Hearing Held 20, 2024 – Transcript

[Victim Impact Statements](#) – Folder

Judge Gull enters the [Sentencing Order](#); dated on December 20, 2024.

Defendant appears in person and with counsel, State by PA and DPA. Having been found guilty following a trial by jury, sentencing hearing is held. The Court having considered the Pre-Sentence Investigation Report, the Sentencing Memorandum submitted by Counsel, and having heard and considered the evidence at trial, now finds the Defendant guilty of Murder in Count 3 and Murder in Count 4. Court finds as aggravating circumstances the nature and circumstances of the crimes, multiple victims, extraordinary impact on the families of the victims. Court finds as mitigating circumstances the lack of criminal history and Defendant's mental health history although the Court finds no nexus to the crimes committed. Defendant ordered committed to the Department of Correction for a period of 65 years on Count 3, 65 years on Count 4, consecutive, 130 years set sentence, 786 days jail credit. Public Defender fee of \$200 assessed with court costs. Defendant advised of his rights to appeal and indicates he wishes to appeal the convictions and sentences but cannot afford counsel. Court appoints the State Public Defender to timely perfect an appeal on Defendant's behalf. Gag order now lifted as the case is concluded in the trial court. Convictions on Counts 1 and 2 vacated on double jeopardy grounds.

Judge Gull enters the [Abstract of Judgement](#); dated on December 20, 2024.

Disposition Sent Electronically to Indiana State Police; December 20, 2024.

Added By CHRIS Interface (DISP)

Richard Allen is [transferred](#) from Cass County Jail to IDOC custody and processed through the Reception Diagnostic Center; dated on December 20, 2024.

Judge Gull enters a corrected [Abstract of Judgement](#); dated on December 23, 2024.

The corrected version still says "No" under "Mental Health Concern" which is incorrect.

Amy Karozos files a [Motion for Authorization to Appoint Two Appellate Attorneys](#); dated on December 30, 2024.

Judge Gull enters an [Order](#); dated on December 30, 2024.

Trial Counsel's Motion to Preserve Evidence reviewed. Counsel's request to preserve "all evidence" is vague, and therefore, denied. Counsel's request to preserve all documents related to the jury venire is granted. The Court will retain records pursuant to jury rules.

Judge Gull enters an [Order](#); dated on December 30, 2024.

The Court, having had the State's Motion to Seal and to Keep Confidential Crime Scene Photos and Autopsy Photos under advisement, now grants same. Court orders the crime scene photos, autopsy photos and reports, and all medical and mental health records be sealed and maintained as confidential. Judge Gull enters an Order; dated on December 30, 2024. Court notes filing by trial counsel of a Praeceptum for Transcript and refers same to appellate counsel, the State Public Defender, for review.

Judge Gull enters an [Order](#); dated on December 30, 2024.

Court notes filing by trial counsel of a Praeceptum for Transcript and refers same to appellate counsel, the State Public Defender, for review.

JANUARY 2025

Judge Gull enters an [Order](#); dated on January 3, 2025.

The State Public Defender files a Motion for Authorization to Appoint Two Appellate Attorneys. The Court authorizes the State Public Defender to appoint two attorneys to perfect the direct appeal in this cause.

Judge Gull enters a [Confidential Order](#); dated on January 6, 2025.

Court declines to authorize payment to Attorney Richard Kammen as the Court did not authorize this expenditure.

Judge Gull enters a [Confidential Order](#); dated on January 6, 2025.

Court authorizes payment of attorney fees to Brad Rozzi, Hillis, Hillis, Rozzi, and Dean, Invoice Number 3575, dated December 23, 2024, in the amount of \$1,475. Court notes this as final payment to trial counsel.

Amy Karozos files a [Acceptance of Appointment and Formal Notice of Appointment of Outside Counsel](#); dated on January 8, 2025.

Judge Gull enters an [Order of Record Concurring in Appointment](#); dated on January 9, 2025.

Andrew Baldwin, Bradley Rozzi, and Jennifer Auger file a [Limited Appearance](#); dated on January 20, 2025.

Andrew Baldwin, Beadley Rozzi, and Jennifer Auger file [Defendant's Motion for Hearing on Motion to Correct Error](#) and [Exhibits](#); dated on January 20, 2025.

Andrew Baldwin, Beadley Rozzi, and Jennifer Auger file [Defendant's Verified Motion to Correct Error](#); dated on January 20, 2025.

Andrew Baldwin files a [Motion to Correct Abstract of Judgment](#); dated on January 20, 2025.

Andrew Baldwin, Beadley Rozzi, and Jennifer Auger file a [Motion to Preserve Specific Evidence](#); dated on January 20, 2025.

[Correspondence](#) received from Attorney Andy Baldwin together with flash drives (Exhibit 3A and 3B); dated on January 20, 2025.

FEBRUARY 2025

Jessica Meek files a [Limited Appearance by Attorneys](#); dated on February 3, 2025.

[NBCU's Motion to Intervene and to Compel Access to Public Trial Exhibits](#) and [Exhibits](#); dated on February 3, 2025.

Nick McLeland files the [State's Response to Motion to Correct Error](#) and [Exhibits](#); dated on February 4, 2025.

Judge Gull enters a [Confidential Order](#); dated on February 5, 2025.

Court authorizes payment to Gail Malm Armstrong, Court Reporter, Invoice Number 5911, dated September 23, 2024, for services provided September 20, 2024, in the amount of \$129.70; Invoice Number 5918, dated October 8, 2024, for services provided August 8, 2023, and August 17, 2023, in the amount of \$372.20; and Invoice Number 5918, dated October 9, 2024, for services provided October 3, 2024, in the amount of \$216.70. Court does not authorize payment to Gail Malm Armstrong, Court Reporter, Invoice Number 5917, dated October 9, 2024, for services provided October 3, 2024, to James D. Luttrull as this Invoice should be presented to the Carroll County Prosecuting Attorney's Office, not the Court.

Robert R. Foos, Jr. files an [Appearance in a Civil Case](#) on behalf of Twist Media; dated February 7, 2025.

Robert R. Foos, Jr. files [Twist Media LLC's Motion to Intervene and to Compel Access to Public Trial Exhibits](#); dated on February 7, 2025.

Andrew Baldwin files the [Defendant's Verified Motion to Strike the State's Response to Motion to Correct Error](#); dated on February 14, 2025.

Andrew Baldwin files the [Defendant's Verified Motion to Preserve and Produce Specific Evidence](#); dated on February 14, 2025.

Judge Gull enters an [Order](#); dated on February 14, 2025.

The Court, having received Defendant's, Richard Allen, Verified Motion to Correct Errors filed January 20, 2025, the State's Response to Motion to Correct Error, filed February 4, 2025, and the Defendant's Verified Motion to Strike the State's Response to Motion to Correct Error, filed February 14, 2025, now denies Defendant's, Richard Allen, Verified Motion to Correct Error and further denies the Defendant's Verified Motion to Strike the State's Response to Motion to Correct Error without hearing.

Judge Gull enters an [Order](#); dated on February 14, 2025.

Defendant's Motion to Correct Abstract of Judgment, filed January 20, 2025, reviewed and denied without hearing.

Judge Gull enters an [Order](#); dated on February 14, 2025.

Defendant's Motion to Preserve Specific Evidence, filed January 20, 2025, is reviewed by the Court. The Defendant has cited no authority, either statutory or case law, that supports his Motion. The Court will maintain the exhibits admitted into evidence in accordance with the Trial and Appellate Rules. However, the Court does not have the authority to "order the State of Indiana, including the prosecutor's office and all law enforcement agencies, labs, or state, federal, and local bureaucracies that possess any of the following evidence to preserve said evidence and not destroy or lose said evidence."

(Defendant's Motion to Preserve Specific Evidence). Defendant's Motion to Preserve Specific Evidence is, therefore, denied without hearing.

Judge Gull enters an [Order](#); dated on February 14, 2025.

Defendant's Motion for Hearing on Motion to Correct Error, filed January 20, 2025, reviewed. No hearing is required on Defendant's Motion to Correct Error, therefore the Motion for Hearing is denied without hearing.

Judge Gull enters an [Order](#); dated on February 18, 2025.

The Court has reviewed NBCU's Motion to Intervene and to Compel Access to Public Trial Exhibits, filed February 3, 2025, by NBC Universal Media, LLC, and Twist Media LLC's Motion to Intervene and to Compel Access to Public Trial Exhibits filed February 7, 2025, and makes the following observations and enters an Order addressing both "Motions" as follows: 1. NBCU produces Dateline NBC and emailed January 8, 2025, a request for public records. 2. This Court and the Court Reporter have received thousands of emails regarding this case. This Court has no way of verifying the true identity of people who have represented themselves to be media, or anyone else, by email. Just because you claim to be NBC or ABC or PBS or CBS does not make you NBC or ABC or PBS or CBS. 3. A representative claiming to be from NBC requested the Court Reporter to prioritize their requests for exhibits. 4. This Court refuses to allow the media or the public to dictate its schedule or work responsibilities by making such "priority requests". No authority has been advanced by NBC or Twist Media LLC that authorizes such a demand. 5. The Court Reporter has not denied the requests, she has indicated that the exhibits are needed for the production of a transcript if one is requested by the parties. 6. The Exhibit Volume is currently contained in two (2) bankers boxes and took weeks to catalog and organize. The Court Reporter estimates it could exceed fifteen (15) volumes once completed, and

will take weeks to prepare the confidential and the non-confidential exhibit volumes. 7. To require the Court Reporter to go into these boxes, pull out what the media/public is requesting, evaluate to ensure it is not confidential will interrupt the process and guarantees the Reporter will be forced to ask the Indiana Court of Appeals for an extension of time (or multiple extensions of time) to file the transcript. 8. The requests for public trial exhibits are vague and overbroad and do not request with specificity what is being requested. The Court Reporter will not guess what the media/public is seeking. 9. The media/public is requesting "any and all recorded police interviews with Richard Allen (video and audio)." This is overbroad and vague and not specific. Which interview is being requested? 10. The media/public is requesting any and all recorded prison phone calls between Richard Allen, his wife, and his mother (audio)". The Court is not in possession of "any and all recorded prison phone calls". Which calls are being requested? 11. The media/public is requesting "the 43-second cell phone video clip recorded by Liberty German." This is not specific. 12. Which exhibits are the media/public requesting? 13. The Court notes that the press pool for jury selection and the trial itself was well managed by Cyndee Hebert, WTHR (Indianapolis). She coordinated with the Hoosier Press Association and the Indiana Broadcasters Association to ensure media coverage of the case. Twelve (12) press passes for media (as defined by I.C. 34-46-4-1) were provided to Cyndee Hebert and she created a pool lottery to ensure ample coverage for all media outlets. The Court thanks Ms. Hebert for all her hard work. 14. A coalition of twenty-two (22) credentialed media, representing local, state, national, and international media, were allocated press passes to ensure that all members of the coalition were present in the Courtroom. In fact, the media was specifically assigned to the front rows of the courtroom. Additionally, the media was given access to the balance of the remaining public seating, much to the displeasure of the podcasters, YouTubers, and true crime enthusiasts. 15. At the conclusion of each day of trial, all credentialed

media were invited into the well of the Courtroom to review all of the exhibits. 16. The media outlets that attended the trial included Dateline NBC, Marianne O'Donnell, and also included WTHR-TV (NBC Indianapolis), Carroll County Comet, Kokomo Tribune, Indianapolis Star, Lafayette Journal & Courier, WISH-TV (Indianapolis), WRTV (ABC - Indianapolis), FOX 59/CBS4 (Fox/CBS - Indianapolis), WANE TV (Fort Wayne), WPTA-TV (Fort Wayne), WSBT-TV (South Bend), WNDU-TV (South Bend), ABC-57 (South Bend), WLFI-TV (Lafayette), Indiana Lawyer, RadioOne/Network Indiana, CourtTV, Daily Mail (UK Newspaper), CBS Network, ABC Network - Good Morning America, and News Nation. 17. The Court is grateful that members of the media were in attendance and had access to all the exhibits. The Court notes particularly that Dateline NBC, Marianne O'Donnell was present and had access, and presumably was present when audio exhibits were played for the jury. 18. This Court is one of the busiest trial courts in the State of Indiana, with over twenty-five (25) murder cases set for jury trial, as well as hundreds of other major felony cases pending jury trial (attempted murder, rape, child molesting, robbery, burglary, arson, corrupt business influence, etc.) 19. The Court observes that the Motion filed by Twist Media LLC is virtually identical to the pleading filed by NBCU on February 3, 2025, at 4:31 p.m. 20. The "motion" filed by Twist Media LLC does not attribute any of its "allegations" to NBCU and is plagiarized. 21. Twist Media LLC is not media as defined by I.C. 34-46-4-1. The Court, therefore, treats its request as a request from the general public. 22. If the media/public would submit a particularized, specific request for an actual Exhibit introduced in the jury trial of this matter, the Court will make that exhibit available at a date to be determined. 23. Upon receipt of a particularized, specific request for an actual exhibit introduced in the jury trial of this matter, the Court and the Court Reporter will set aside dates and times on its extremely busy calendar to accommodate such particularized requests. The media/public cannot expect the Court and the Court Reporter to guess what they are asking for in this cause. WHEREFORE, the Court

conditionally grants NBCU's Motion to Intervene and to Compel Access to Public Trial Exhibits, and conditionally grants the general public's Motion to Intervene and requires them to submit specific, particularized requests for the Court to consider and accommodate appropriately.

Andrew Baldwin files a [Limited Appearance](#); dated on February 19, 2025.

Andrew Baldwin files a [Verified Request for Hearing on Defendant's Verified Motion to Preserve and Produce Specific Evidence](#); dated on February 19, 2025.

Andrew Baldwin files an [Addendum to Defendant's Verified Motion to Preserve and Produce Specific Evidence](#) and [Exhibit](#); filed on February 24, 2025.

Judge Gull enters an [Order](#); dated on February 24, 2025.

Defendant's Verified Request for Hearing on Defendant's Verified Motion to Preserve and Produce Specific Evidence, filed February 19, 2025, reviewed and denied without hearing as premature as the State is entitled to respond within the timelines governed by the Trial Rules.

Nick McLeland files the [State's Response to Defendant's Motion to Preserve and Produce Specific Evidence](#) and [Exhibits](#); dated on February 28, 2025.

MARCH 2025

[Twist Media LLC's Amended Motion to Intervene and to Compel Access to Public Trial Exhibits](#); dated on March 3, 2025.

Andrew Baldwin files [Richard Allen's Verified Reply Memorandum to State of Indiana's Response to Preserve and Produce and Request for Sanctions](#); dated on March 4, 2025.

Judge Gull enters a [Confidential Order](#); dated on March 4, 2025.

Per the September 30, 2024, order, Court authorizes payment to Andrew Baldwin in the amount of \$12,400 as reimbursement for payments made to Stacy Eldridge (Check #1760 for \$6,400 and Check #11123 for \$6,000).

Raging Lunatic Anthony Greeno files [Greeno Productions – Studio & Entertainment LLC Motion to Intervene and Request Access to Public Trial Exhibits](#); dated on March 5, 2025.

Jennifer Auger files [Defendant's Motion to Reconsider Denial of Motion to Correct Error](#); dated on March 11, 2025.

Mark Leeman and Stacy Uliana file a [Notice of Appeal](#); dated on March 11, 2025.

Notice of Appeal sent to Trial Court; dated on March 12, 2025.

Appellate CCS doc:

 [Appellate CCS](#)

Judge Gull enters an [Order](#); dated on March 12, 2025.

The Court has reviewed Twist Media LLC's Third Amended Motion to Intervene and to Compel Access to Public Trial Exhibits, filed March 4, 2025. Counsel is incorrect that their client is news media as defined by I.C. 34-46-4-1. They are social media content creators, not legitimate, serious news media. The March 4, 2025, pleading (as

amended three times) is replete with vague, overbroad, and non-specific requests for trial exhibits. In a footnote on the third un-numbered page, Counsel attempts to circumvent the requirement of specificity by stating "Twist Media LLC was not present in the courtroom when the exhibits were marked, identified, and offered into evidence." As counsel should know, the Court is not required to do his work by trying to figure out what his client seeks. Regardless of these continued shortcomings and inflated representations, pursuant to Paragraph 23 of this Court's February 18, 2025, Order, the Court and Court Reporter are in the process of accommodating such requests as time allows in the order in which they are received. Available exhibits will be provided on a new flash drive provided by the Court. A fee of \$25 per 128-gig flash drive will be required to defray the cost of supplies, preparation, and transmission payable in advance (Cashier's check or money order payable to Allen Superior Court). When the available exhibits are prepared, the Court will contact counsel regarding transmission. Clerk of the Court ordered now to remove Twist Media LLC and their counsel as intervening movants.

Judge Gull enters an [Order](#); dated on March 12, 2025.

The Court has reviewed Greeno Productions – Studio and Entertainment LLC Motion to Intervene and Request Access to Public Trial Exhibits, filed March 5, 2025. This individual, Anthony Greeno, is not media as defined by I.C. 34-46-4-1 and therefore, is considered a member of the general public. As Greeno has no standing to intervene in a criminal case as a member of the general public, his Motion to Intervene is denied without hearing. If Greeno wishes to request access to public trial exhibits, he may do so as a member of the general public. Clerk of the Court ordered to remove Greeno as an intervening movant.

Mark Leeman and Stacy Uliana file Richard Allen's [Notice of Appeal](#); dated on March 11, 2025.

Notice Received from Court of Appeals on March 12, 2025.

NOA Service to Trial Court

Notice of Completion of Clerk's Record on March 13, 2025.

Transcript requested, not completed

Judge Gull enters an **Order**; dated on March 13, 2025.

The Court, having had defendant's Motion to Preserve and Produce Specific Evidence under advisement, and having reviewed the State's Response and Richard Allen's Verified Reply Memorandum to State of Indiana's Response to Preserve and Produce and Request for Sanctions, now denies Defendant's Motion to Preserve and Produce Specific Evidence and Request for Sanctions without hearing.

Judge Gull enters an **Order**; dated on March 13, 2025.

Court takes no action on defendant's Motion to Reconsider Denial of Motion to Correct Error, filed March 11, 2025 at 4:03 pm, as the Notice of Appeal was filed with the Indiana Court of Appeals Clerk of the Court on March 11, 2025 at 2:19 pm.

APRIL 2025

Judge Gull enters an **Order**; dated on April 10, 2025.

This case has now been concluded through trial and sentencing. The Court appointed the State Public Defender to timely perfect the appeal. The State Public Defender filed the Notice of Appeal on March 11, 2025. This Court previously sealed numerous Court Orders at the defendant's request regarding Ex Parte Motions for Funding (filed December 8, 2022, and granted December 12, 2022). Appellate Counsel has requested access to some of those pleadings and orders. Court grants appellate counsels' request and unseals the Orders from January 24, 2023, through March 4, 2026.

Judge Gull enters an [Order](#); dated on April 11, 2025.

Sealed orders dated January 24, 2023, through March 4, 2025
unsealed.
