

STATE OF INDIANA)
)ss:
COUNTY OF CARROLL)

STATE OF INDIANA)
)
vs.)
)
RICHARD M. ALLEN)

IN THE CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-000001

**MOTION FOR ORDER ON CONTINUING DISCLOSURE OF
DEFENDANT’S MENTAL HEALTH RECORDS**

Comes now, the Defendant, Richard M. Allen, by Counsel, Bradley A. Rozzi, and respectfully requests that this Court issue an Order directing the Indiana Department of Corrections, Carroll County Sheriff’s Department, and any other authorities detaining Defendant Allen to release to Defendant Allen’s Attorneys, Bradley A. Rozzi and Andrew J. Baldwin, copies of any and all mental health records associated with Defendant Allen. In support of said Motion, Defendant Allen states as follows:

1. Defendant Allen is currently housed in the Indiana Department of Corrections pursuant to the Safekeeping Order in this cause;
2. Prior to Defendant Allen’s incarceration, Defendant Allen did execute a Power of Attorney in favor his Wife, Kathy Allen. However, no healthcare representative directives were executed by Defendant Allen;
3. Defendant Allen’s Attorneys are in need of reviewing Defendant Allen’s mental health records, most of which are in possession of the Indiana Department of Corrections, to aid in preparation of his defense, management of his mental and physical state, and to restore his mental and physical health so that he may assist in his own defense;
4. Attorney Rozzi has attempted to obtain Defendant Allen’s information through the DOC but is required to execute a HIPPA Waiver. Said Waiver will require Defendant Allen’s signature;

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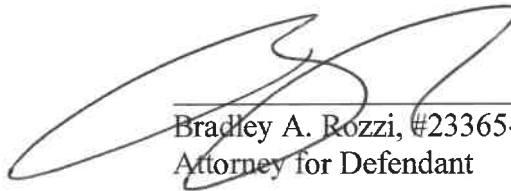
5. Defendant Allen is currently in a deteriorating state, both mentally and physically, and therefore Attorney Rozzi has concerns regarding Defendant Allen's ability to execute a knowing and voluntary waiver;

6. Defendant Allen is also incarcerated approximately 1 ½ hours away from Attorney Rozzi and therefore, obtaining signatures on a routine basis is burdensome;

7. There is no legal and/or practical reason why Attorneys for Defendant Allen should not be entitled to his mental health records; and

8. Defendant Allen respectfully requests that this Court issue an Order directing the Indiana Department of Corrections and/or any other agencies in charge of defendant Allen's care and custody to release to Attorney Rozzi and Attorney Baldwin, Defendant Allen's mental health records, upon their written request.

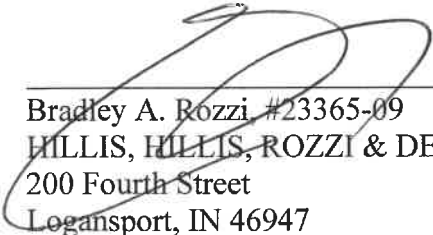
Respectfully submitted,



Bradley A. Rozzi, #23365-09
Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office and Andrew J. Baldwin the 7th day of June, 2023.



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