

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

STATE OF INDIANA) CAUSE NUMBER: 08C01-2210-MR-00001
)
VS.)
)
RICHARD M. ALLEN)

MOTION FOR LEAVE OF COURT TO SUBPOENA THIRD-PARTY RECORDS

Comes now the State of Indiana, by Nicholas C. McLeland, Prosecuting Attorney for the 74th Judicial Circuit, and moves this Court for an Order for Westville Correctional Facility and Wabash Valley Correctional Facility, Attn: Elise Gallagher, 5501 S. 1100 W., Westville, IN 46391, to produce to the Carroll County Prosecutor’s Office, Attn: Nicholas C. McLeland, 101 West Main Street, Delphi, IN 46923, any and all mental health records for Richard Allen, DOB: 09/09/1972, associated with his stay as an inmate in the Department of Corrections, from November 3rd, 2022 until present.

While working the Delphi investigation, Carroll County Sheriff’s Department Detective Tony Liggett developed information that Richard Allen was involved in the murders of Victim 1 and Victim 2. The investigation shows the following:

That on February 14th, 2017 Victim 1 and Victim 2 were found deceased in the woods approximately 0.2 miles northeast of the Monon High Bridge in Carroll County. Their bodies were located on the north side of the Deer Creek.

At the time, the Monon High Bridge Trail was an approximately 1 mile gravel trail terminating at the Monon High Bridge. The Monon High Bridge is an abandoned railroad trestle approximately 0.25 miles long spanning the Deer Creek and Deer Creek valley on the southeast end of the trail. Approximately 0.7 miles northwest on the trail from the northwestern edge of the Monon High Bridge is the Freedom Bridge, which is a pedestrian bridge spanning State Road 25. Approximately 350 feet west of Freedom Bridge was a former railroad overpass over Old State Road 25 (also known as County Road 300 North). The trail

terminates just west of the former railroad overpass. The majority of the trail is in a wooded area with a steep embankment on the south side of the trail. The entirety of the trail and the location of the girls bodies were and are located in Carroll County, Indiana.

Through interviews, reviews of electronic records, and review of video at the Hoosier Harvestore, investigators believe Victim 1 and Victim 2 were dropped off across from the Mears Farm at 1:49 p.m. on February 13th, 2017 by Kelsi German. The Mears farm is located on the north side of County Road 300 North near an entrance to the trails. A video from Victim 2's phone shows that at 2:13 p.m. Victim 1 and Victim 2 encountered a male subject on the southeast portion of the Monon High Bridge. The male ordered the girls "Guys, Down the hill". No witnesses saw them after this time. No outgoing communications were found on Victim 2's phone after this time. Their bodies were discovered on February 14th, 2017.

The video recovered from Victim 2's phone shows Victim 1 walking southeast on the Monon High Bridge while a male subject wearing a dark jacket and jeans walks behind her. As the male subject approaches Victim 1 and Victim 2, one of the victims mentions, "gun". Near the end of the video a male is seen and heard telling the girls, "Guys, Down the hill." The girls then begin to proceed down the hill and the video ends. A still photograph taken from the video and the "Guys, Down the hill" audio was subsequently released to the public to assist investigators in identifying the male.

Victim 1 and Victim 2's deaths were ruled as homicides. Clothes were found in the Deer Creek belonging to Victim 1 and Victim 2, south of where their bodies were located. There was also a .40 caliber unspent round less than two feet away from Victim 2's body, between Victim 1 and Victim 2's bodies. The round was unspent and had extraction marks on it.

Interviews were conducted with 3 juveniles, R.V., B.W. and A.S.. They advised they were on the Monon High Bridge Trail on February 13th, 2017. They advised they were walking on the trail toward Freedom Bridge to go home when they encountered a male walking from Freedom Bridge toward the Monon High Bridge. A.S. described the male as "kind of creepy" and advised he was wearing "like blue jeans a like really light blue jacket and he his hair was gray maybe a little brown and he did not really show his face." She advised the jacket was a duck canvas type jacket. R.V. advised she said "Hi" to the male but he just glared at them. She recalled him being in all black and had something covering his mouth. She described him as "not very tall" with a bigger build. She said he was not bigger than 5'10". R.V. advised he was wearing a black hoodie, black jeans, and black boots. She stated he had his hands in his pockets.

B.W. showed investigators photographs she took on her phone while she was on the trail that day. The photographs included a photo of the Monon High Bridge taken at 12:43 p.m., and another one taken at 1:26 p.m. of the bench East of the Freedom Bridge. B.W. advised after she took the photo of the bench they started walking back toward Freedom Bridge. She advised that was when they encountered the man who matched the description of the photograph taken from Victim 2's video. B.W. described the man she encountered on the trail as wearing a blue or black windbreaker jacket. She advised the jacket had a collar and he had his hood up from the clothing underneath his jacket. She advised he was wearing baggy jeans and was taller than her. She advised her head came up to approximately his shoulder. She advised R.V. said "Hi" to the man and that he said nothing back. She stated he was walking with a purpose like he knew where he was going. She stated he had his hands in his pockets and kept his head down. She advised she did not get a good look at his face but

believed him to be a white male. The girls advised after encountering the male they continued their walk across Freedom Bridge and the old railroad bridge over Old State Road 25.

Investigators spoke with Betsy Blair who advised she was on the trails on February 13th, 2017. Video from the Hoosier Harvestore captured Betsy's vehicle traveling eastbound at 1:46 p.m. toward the entrance across from the Mears farm. Betsy advised she saw 4 juvenile females walking on the bridge over Old State Road 25 as she was driving underneath on her way to park. Betsy advised there were no other cars parked across from the Mears farm when she parked. She advised she walked to the Monon High Bridge and observed a male matching the one from Victim 2's video. She described the male she saw as a white male, wearing blue jeans and a blue jean jacket. She advised he was standing on the first platform of the Monon High Bridge, approximately 50 feet from her. She advised she turned around at the bridge and continued her walk. She advised approximately halfway between the bridge and the parking area across from Mears farm, she passed two girls walking toward Monon High Bridge. She advised she believed the girls were Victim 1 and Victim 2. Video from the Hoosier Harvestore shows at 1:49 p.m. a white car matching Kelsi German's vehicle traveling away from the entrance across from the Mears farm. Betsy advised she finished her walk and saw no other adults other than the male on the bridge. Her vehicle is seen on Hoosier Harvestore video at 2:14 p.m. leaving westbound from the trails. Betsy advised when she was leaving she noted a vehicle was parked in an odd manner at the old Child Protective Services building. She said it was not odd for vehicles to be parked there but she noticed it was odd because of the manner it was parked, backed in near the building. Investigators received a tip from Terry Wilson in which he stated he was on his way to Delphi on State Road 25 around 2:10 p.m. on February 13th, 2017. He observed a purple PT Cruiser or a small SUV type vehicle parked on the south side of the old CPS building. He stated it appeared as though it was backed in as to conceal the license plate of the vehicle. Betsy and Terry both drew diagrams of where they saw the vehicle parked and their diagrams generally matched as to the area the vehicle was parked and the manner in which it was parked. Wesley McWhirter advised he remembered seeing a smaller dark colored car parked at the old CPS building. He described it as possibly being a "smart" car. McWhirter's vehicle is seen leaving at 2:28 p.m. on the Hoosier Harvestore video.

Investigators spoke with Sarah Carbaugh, who stated that she was traveling East on 300 North on February 13th, 2022 and observed a male subject walking west, on the North side of 300 North, away from the Monon High Bridge. Sarah advised that the male subject was wearing a blue colored jacket and blue jeans and was muddy and bloody. She further stated, that it appeared he had gotten into a fight. Investigators were able to determine from watching the video from the Hoosier Harvestore that Sarah Carbaugh was traveling on CR 300 North at approximately 3:57 p.m.

Through interviews, electronic data, photographs, and video from the Hoosier Harvestore investigators determined that there were other people on the trail that day after 2:13 p.m. Those people were interviewed and none of those individuals encountered the male subject referenced above, witnessed by the juvenile girls, Betsy Blair and Sarah Carbaugh. Further none of those individuals witnessed Victim 1 and Victim 2.

Investigators reviewing prior tips encountered a tip narrative from an officer who interviewed Richard M. Allen in 2017. That narrative stated:

Mr. Allen was on the trail between 1330-1530. He parked at the old Farm Bureau building and walked to the new Freedom Bridge. While at the Freedom

Bridge he saw three females. He noted one was taller and had brown or black hair. He did not remember description nor did he speak with them. He walked from the Freedom Bridge to the High Bridge. He did not see anybody, although he stated he was watching a stock ticker on his phone as he walked. He stated there were vehicles parked at the High Bridge trail head, however did not pay attention to them. He did not take any photos or video.

His cell phone did not list an IMEI but did have the following:

MEID-256 691 463 100 153 495

MEIDHEX-9900247025797

Potential follow up information: Who were the three girls walking in the area of Freedom Bridge?

Investigators believe Mr. Allen was referring to the former Child Protective Services building as there was not a Farm Bureau building in the area nor had there been. Investigators believe the females he saw included R.V., B.W. and A.S. due to the time they were leaving the trail, the time he reported getting to the trail, and the descriptions the three females gave.

Investigators discovered Richard Allen owned two vehicles in 2017 – a 2016 black Ford Focus and a 2006 gray Ford 500. Investigators observed a vehicle that resembled Allen's 2016 Ford Focus on the Hoosier Harvestore video at 1:27 p.m traveling westbound on CR 300 North in front of the Hoosier Harvestore, which coincided with his statement that he arrived around 1:30 p.m. at the trails. Investigators note witnesses described the vehicle parked at the former Child Protective Services Building as a PT Cruiser, small SUV, or "Smart" car. Investigators believe those descriptions are similar in nature to a 2016 Ford Focus.

On October 13th, 2022 Richard Allen was interviewed again by investigators. He advised he was on the trails on February 13th, 2017. He stated he saw juvenile girls on the trails east of Freedom Bridge and that he went onto the Monon High Bridge. Richard Allen further stated he went out onto the Monon High Bridge to watch the fish. Later in his statement, he said he walked out to the first platform on the bridge. He stated he then walked back, sat on a bench on the trail and then left. He stated he parked his car on the side of an old building. He told investigators that he was wearing blue jeans and a blue or black Carhartt jacket with a hood. He advised he may have been wearing some type of head covering as well. He further claimed he saw no one else except for the juvenile girls he saw east of the Freedom Bridge. He told investigators that he owns firearms and they are at his home.

Richard M. Allen's wife, Kathy Allen, also spoke to investigators. She confirmed that Richard did have guns and knives at the residence. She also stated that Richard still owns a blue Carhartt jacket.

On October 13th, 2022, Investigators executed a search warrant of Richard Allen's residence at 1967 North Whiteman Drive, Delphi, Carroll County, Indiana. Among other items, officers located jackets, boots, knives and firearms, including a Sig Sauer, Model P226, .40 caliber pistol with serial number U 625 627.

Between October 14th, 2022 and October 19th, 2022 the Indiana State Police Laboratory performed an analysis on Allen's Sig Sauer Model P226. The Laboratory performed a physical examination and classification of the firearm, function test, barrel and overall length measurement, test firing, ammunition component characterization, microscopic comparison, and NIBIN. The Laboratory determined the unspent round located within two feet of Victim

2's body had been cycled through Richard M. Allen's Sig Sauer Model P226. The Laboratory remarked:

An identification opinion is reached when the evidence exhibits an agreement of class characteristics and a sufficient agreement of individual marks. Sufficient agreement is related to the significant duplication of random striated/impressed marks as evidenced by the correspondence of a pattern or combination of patterns of surface contours. The interpretation of identification is subjective in nature, and based on relevant scientific research and the reporting examiner's training and experience.

Investigators then ran the firearm and found that the firearm was purchased by Richard Allen in 2001. Richard Allen voluntarily came to the Indiana State Police post on October 26th, 2022. He spoke with investigators and stated that he never allowed anyone to use or borrow the Sig Sauer Model P226 firearm. When asked about the unspent bullet, he did not have an explanation of why the bullet was found between the bodies of Victim 1 and Victim 2. He again admitted that he was on the trail but denied knowing Victim 1 or Victim 2 and denied any involvement in their murders.

Carroll County Sheriff's Department Detective Tony Liggett has been part of the investigation since it started in 2017. He has had an opportunity to review and examine evidence gathered in this investigation. Detective Liggett, along with other investigators, believe the evidence gathered shows that Richard Allen is the male subject seen on the video from Victim 2's phone who forced the victims down the hill. Further, that the victims were forced down the hill by Richard Allen and lead to the location where they were murdered.

Through the statements and photographs of the juvenile females and the statement of Betsy Blair, R.V., B.W., and A.S. were at the southeast edge of the trail at 12:43 p.m., east of Freedom Bridge at 1:26 p.m., and walked across the former railroad overpass over Old State Road 25 after 1:26 p.m. and before 1:46 p.m. They walked the entirety of the trail and observed only one person – an adult male. Betsy Blair's vehicle is seen on Hoosier Harvestore video at 1:46 p.m. and leaving at 2:14 p.m. and she stated she only saw one adult male. R.V., B.W., A.S., and Betsy Blair described the male in similar manners, wearing similar clothing, leading investigators to believe all four saw the same male individual.

Investigators believe the male observed by Betsy Blair, R.V., B.W., and A.S. is the same male depicted in the video from Victim 2's phone due to the descriptions of the male by the four females matching the male in the video. Furthermore, Victim 2's video was taken at 2:13 p.m., and Betsy Blair saw only one male while she was on the trail from approximately 1:46 p.m. to 2:14 p.m.

Investigators believe Richard Allen was the male seen by Betsy Blair, R.V., B.W., and A.S. and the male seen in Victim 2's video. Richard Allen told investigators he was on the trail from 1:30 p.m. to 3:30 p.m. that day. Video from Hoosier Harvestore shows a vehicle that matches the description of Richard Allen's vehicle passing at 1:27 p.m. toward the former CPS building. The clothing he told investigators he was wearing match the clothing of the male in Victim 2's video and the clothing descriptions provided by Betsy Blair, R.V., B.W., and A.S. A vehicle matching the description of his 2016 Ford Focus is seen at or around 2:10 p.m., 2:14 p.m., and 2:28 p.m. at the former CPS building. Through his own admissions, Richard Allen walked the trails and eventually hiked to the Monon High Bridge and walked out onto the Monon High Bridge.

A male subject matching Richard Allen's description was not seen on the trail after

2:13 p.m. Investigators identified other individuals on the trails on C.R. 300 North between 2:30 p.m. and 4:11 p.m. None of those individuals saw a male subject matching the description of Richard Allen on the trail. Furthermore, Richard Allen stated that he only saw three girls on the trail, who investigators believe to be R.V., B.W., and A.S.

Investigators believe Richard Allen was not seen on the trail after 2:13 p.m. because he was in the woods with Victim 1 and Victim 2. An unspent .40 caliber round between the bodies of Victim 1 and Victim 2, was forensically determined to have been cycled through Richard Allen's Sig Sauer Model P226. The Sig Sauer Model P226 was found at Richard Allen's residence and he admitted to owning it. Investigators were able to determine that he had owned it since 2001. Richard Allen stated he had not been on that property where the unspent round was found, that he did not know the property owner, and that he had no explanation as to why a round cycled through his firearm would be at that location. Furthermore, he stated that he never allowed anyone to use or borrow the Sig Sauer Model P226. Investigators believe that after the victims were murdered, Richard Allen returned to his vehicle by walking down CR 300 North. Investigators believe he was seen by Sarah Carbaugh walking back to his vehicle on CR 300 north, with clothes that were muddy and bloody.

Tony Liggett, along with investigators, believe the statements made by the witnesses because the statements corroborate the timeline of the death the two victims, as well as coincide with the admissions made by Richard Allen. Further, the accounts relayed by Betsy Blair, R.V., B.W., and A.S. are similar in nature and time stamps on photographs taken by B.W. correspond to the times the juvenile females said they were on the trail and saw male individual.

Investigators believe Richard M. Allen committed this kidnapping which resulted in the killing of Victim 1 and Victim 2. From their prior conclusions investigators believe Richard M. Allen was the male depicted in Victim 2's video saying, "Guys, Down the hill." They believe Richard M. Allen was carrying his Sig Sauer Model P226 on that day due to the cycled round matching that firearm was located within feet of Victim 2's body. They further believe he was carrying the Sig Sauer Model P226 from the audio from Victim 2's video in which investigators believe they hear the sound of a gun being cycled and one of the victims mentioning a "gun." Investigators believe after that time Victim 1 and Victim 2 were removed from the bridge by Richard to where their murders occurred.

Charges were filed against Richard M. Allen on October 28th, 2022 for 2 counts of Murder. Once Richard M. Allen was taken into custody, he was moved to the Westville Correctional Facility, which is part of the Indiana Department of Corrections, for safe keeping. He has been in said facility since November, 2022. When Richard M. Allen entered the facility, he was placed in the segregation unit for his protection. In the segregation unit, his cell is equipped with a video recorder which records his activities within the cell. There are also logs indicating when Richard M. Allen leaves the cell and for what purposes. He is also being seen by medical providers and mental health specialists to evaluate his physical condition and monitor his mental health. Richard M. Allen also has the ability to use a tablet in his cell to send text messages, make phone calls and listen to music.

Upon Richard M. Allen's arrival to the facility, he was placed on "suicide watch" because of certain statements he made about harming himself. Throughout his stay, his mental health improved to the point that he was taken off of "suicide watch". He was also participating in recreation time and beginning to exercise. The facility reports that he was

doing well and that they had no issues or concerns. His day to day demeanor was that he was quiet, read a lot of books, did crossword puzzles and exercised daily.

On April 3rd, 2023, Richard M. Allen made a phone call to his wife Kathy Allen. In that phone call, Richard M. Allen admits several times that he killed Abby and Libby. Investigators had the phone call transcribed and the transcription confirms that Richard M. Allen admits that he committed the murders of Abigail Williams and Liberty German. He admits several times within the phone call that he committed the offenses as charged. His wife, Kathy Allen, ends the phone call abruptly.

Soon after, attorneys for Richard M. Allen filed an Emergency Motion to Modify Safekeeping Order. In that motion, the Defense states that Richard M. Allen's mental state has declined because Westville Correctional Facility is unfit and that he should be moved. Defense also makes allegations that his mental health has declined to the point where Richard M. Allen has been deprived of his constitutional right to assist in his defense of this case. Further, Defense alleges that his mental capacity has declined because of his incarceration at Westville Correctional Facility. Defense has also challenged that his treatment is unconstitutional. Soon after, investigators were made aware by the Warden of Westville Correctional Facility that Richard M. Allen began to act strangely.

Richard M. Allen was wetting down paperwork he had gotten from his attorneys and eating it, he was refusing to eat and refusing to sleep. He would go days on end refusing to sleep. He further, broke the tablet that he used for text messages and phone calls. He went from making up to 2 phone calls a day as of April 3rd, 2023 to not making any phone calls at all. To date, Richard M. Allen still has not made a phone call since April 3rd, 2023.

On April 14th, 2023, Richard M. Allen was evaluated by two psychiatrists and one psychologist to discuss his turn in behavior and whether or not there was a need for involuntary medication. The panel would also discuss moving Richard M. Allen to a different facility that has a psychiatric unit. From that meeting, it was determined that Richard M. Allen did not need involuntary medication and that he did not need to be moved to another facility. Since that meeting, Richard M. Allen has begun to eat again and has begun to sleep. He behavior has begun to return to what it was prior to making the admission on April 3rd, 2023.

Investigators believe the information that Westville Correctional Facility and Wabash Valley Correctional Facility have gathered since Richard M. Allen was placed in those facilities is important to the investigation and important for trial. Further, any records of his mental exams will be important to determine the state of his mental health when he made the admissions. This information is needed to refute the Defense's allegations that his mental health is in question. The evidence is also necessary to refute the allegations of diminished mental capacity and/or other possible defenses. It may also be important as the State introduces additional evidence gathered, including additional admissions made by Richard M. Allen himself.

Based on the above probable cause for the charges, the Defendant has been held in the Carroll County Jail, transferred to the White County Jail and then ultimately transferred to Westville Correctional Facility and is currently house in Wabash Valley Correctional Facility.

He has been held in the Department of Corrections since November 3rd, 2022. During the Defendant's time in incarceration, the Defense has filed several motions that have called into question Richard Allen's mental health and his physical wellbeing because of the alleged conditions at Westville Correctional Facility and Wabash Correctional Facility. Those motions include an Emergency Motion to Modify the Safekeeping Order filed on April 5th, 2023, where the defense writes that Richard Allen should be moved because of his deteriorating physical condition. They reiterated this point several times in the hearing on the Motion to Modify the Safekeeping Order.

Then again in the Defense's Motion for Order on Continued Disclosure of the Defendant's Mental Health Records filed on June 7th, 2023, where the defense writes that they need his mental health and medical records because of his currently deteriorating state, both mentally and physically.

Then again in their Memorandum in Support of the Accused's Motion for Frank's Hearing filed September 18th, 2023, where the defense writes that on April 3rd, 2023, Richard Allen's mental health began a steep decline.

The Defense has expressed concerns that Richard Allen is being treated unfairly or is being placed in conditions that resemble a "prisoner of war". The State has filed a Motion for Leave in the past to obtain these records and the Defense objected to said motions.

The Defense has now filed a Verified Ex Parte Motion for Hearing on Funding for Expert Services. Within that Motion, the Defense ask the Court to approve funding for Dr. Polly Wescott, a clinical psychologist and for a confession expert. The Defense states "the conclusion to be drawn from this is that there is a reasonable basis upon which to inquire into the impact of the accused's confinement on his mental state. This can only be done by an expert in the field of

the impacts of solitary confinement on accused individuals.” It is clear from this statement and the other affirmations made in the motion that the Defense intends to challenge the multiple confessions that the Defendant has made while incarcerated. Further, it is clear that the Defense intends to make the Defendant’s mental health an issue in this matter. In order to address this, the State needs to review the Defendant’s mental health records and have an opportunity to consult its own expert.

The State concedes that the Defense has not filed any kind of insanity defense or any other defense on behalf of Richard Allen, but their repeated allegations have made the Defendant’s mental health an issue. The Defense has now brought Richard Allen’s mental health into question again in their most recent filings when they requested funds for an expert.

For these reasons, the State is requesting the mental records for Richard Allen from Westville Correctional Facility and Wabash Valley Correctional Facility since his stay beginning in November 2022 to the present as specified in the attached Subpoena Duces Tecum and/or Request for Production of Documents and Records to a Non-Party: (H.I.)

This request is made for the purpose of preparing for trial in this matter. The State believes that Richard Allen’s mental health is going to be argued at trial. The State believes that the mental records of Richard Allen would be able to confirm or deny the information that the Defense has alleged in its filings. The State is not asking for an entire mental health history of Richard Allen, but only those records for his stay at the Westville Correctional Facility and Wabash Valley Correctional Facility from November 3rd, 2022, until present to be able to respond to the allegations made by the defense and to prepare for trial.

The State of Indiana is aware from prior filings that the Defense objects to this subpoena. The State of Indiana has also sent them a courtesy copy of this subpoena, via email.

WHEREFORE, the State of Indiana, by Nicholas C. McLeland, Prosecuting Attorney for the 74th Judicial Circuit, respectfully prays that this Court review the attached Subpoena and then order production of said records, and such other relief as is just and proper in the premises.

Respectfully submitted,



Nicholas C. McLeland
Prosecuting Attorney
101 West Main Street
Delphi, IN 46923
765-564-4514

CERTIFICATE OF SERVICE

I hereby certify that service of a true and complete copy of the above and foregoing pleading or paper was made upon the following parties and filed with the Carroll Circuit Court by depositing the same in the United States mail in an envelope properly addressed and with sufficient postage affixed this _6th_ day of March, 2024.

Westville Correctional Facility and Wabash Valley Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391



Nicholas C. McLeland
Carroll County Prosecutor
28300-08

STATE OF INDIANA)
) SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

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

CAUSE NUMBER: 08C01-2210-MR-00001

SUBPOENA DUCES TECUM

**TO: Westville Correctional Facility & Wabash Valley Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391**

RE: Richard Allen

Now comes the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, pursuant to Rule 2 of the Indiana Trial Rules of Trial of Criminal Procedure, requests that the following documents and records be produced for the Carroll County Prosecuting Attorney Nicholas C. McLeland, at 101 West Main Street, Suite 204, Delphi, Indiana 46923, within thirty (30) days from the date of service of this Request for Production of Documents and Records to a Non-Party. You may comply by mailing a copy of the requested documents to the Prosecutor's office post-marked prior to the date on which production is required by the Indiana Rules of Trial Procedure.

DEFINITIONS

As used in this request, the term "document" encompasses the full scope of that term as it is used in Trial Rule 34, including, without limitations, all writings, papers, photographs, videos, and other recordings and communications of any kind, whether printed, electronically recorded, filmed, or recorded or produced manually or by other process. The term "document" includes all margin

comments, handwritten notes, date of receipt stamps and notations of any kind appearing on any document. The term “document” includes all files and data stored on computer disks or hard drives, all files and data stored on any computer databases.

For each document produced, identify the corresponding request. If you claim any information sought herein is privileged in whole or in part, object to any form of any request or believe that any document would be excluded from production to the State, regardless of its relevance, state the reason(s) for said objection or ground of exclusion. Identify with particularity each document for which you claim a privilege including the date of the document, the person who prepared the document, the person to whom the document was directed, the substance of the document and the reason you believe the document is privileged.

INSTRUCTIONS

This Request for Production of Documents and Records to a Non-Party is made pursuant to Rule 2 of the Indiana Rules of Criminal Procedure. In accordance with that Rule:

1. You are entitled to reimbursement for costs resulting from your response to this Request for Production of Documents and Records to Non-Party. If there are costs associated with production of these documents, please let me office know and we will reimburse for those costs.
2. You are entitled to security against damages, or payment of damages, which may result from this request, and you may respond to this Request for Production of Documents to a Non-Party by submitting to its terms, or by proposing different terms, or by objecting specifically or generally to the Request by serving a written response to the Prosecuting Attorney, Nicholas C. McLeland, within thirty (30) days from the receipt of the Request for Production of Documents and Records to a Non-

Party, or by moving to Quash this Request for Production of Documents and Records to a Non-Party, as permitted by Rule 2 of the Indiana Rules of Criminal Procedure.

3. The failure to respond to this Request for Production of Documents and Records to a Non- Party, to object to it, or to move to quash it, as provided by the applicable Indiana Rules of Criminal Procedure or Order of the Court, within thirty (30) days from the date of service, will subject you to a Motion for Sanctions pursuant to Rule 2 of the Indiana Rules of Criminal Procedure.
4. You are required to keep this subpoena and the information contained therein confidential. This subpoena and the information listed herein is not to be released to the public and should be kept confidential. Any release of this information will be in direct violation of a Court Order.

DOCUMENTS AND RECORDS TO BE PRODUCED

1. Any mental health records that you may have concerning Richard M. Allen, including all records from any physician that has evaluated or examined Richard M. Allen from the beginning of his stay at Westville Correctional Facility and Wabash Valley Correctional Facility, on or about November 3rd, 2022 until present.
2. The results of any mental health evaluation and/or exams performed on Richard M. Allen while he has been incarcerated at Westville Correctional Facility and Wabash Valley Correctional Facility, on or about November 3rd, 2022 until present.
3. Any other documents, records, notes, videos and/or writings that the facility may

have pertaining to Richard M. Allen mental health during his time of incarceration at Westville Correctional Facility and Wabash Valley Correctional Facility, on or about November 3rd, 2022 , until present.

Submitted under my hand as counsel of record, pursuant to T.R. 2, on this __6th__ day of March, 2024.

Respectfully submitted,



Nicholas C. McLeland, #28300-08
Carroll County Prosecutor
101 W. Main Street
Delphi, IN 46923
(765) 564-4514

CERTIFICATE OF SERVICE

I hereby certify that service of a true and complete copy of the above and foregoing pleading or paper was made upon the following parties and filed with the Carroll Circuit Court by depositing the same in the United States mail in an envelope properly addressed and with sufficient postage affixed this _6th_ day of March, 2024.

Westville Correctional Facility and Wabash Valley Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391



Nicholas C. McLeland
Carroll County Prosecutor
28300-08

STATE OF INDIANA)
) SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

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

CAUSE NUMBER: 08C01-2210-MR-00001

SUBPOENA DUCES TECUM

**TO: Westville Correctional Facility & Wabash Valley Correctional Facility
Indiana Department of Corrections
Attn: Elise Gallagher
5501 S. 1100 W.
Westville, IN 46391**

Pursuant to Rule 2 of the Indiana Rules of Criminal Procedure, you are hereby directed to produce the following to counsel for the Carroll County Prosecutor, Nicholas C. McLeland, at 101 West Main Street, Suite 204, Delphi, Indiana 46923 within thirty (30) days of receipt:

1. All documents requested in the accompanying Request for Production of Documents to a Non-Party.
2. An executed Affidavit of Custodian or Records (enclosed).

Submitted under my hand as counsel of record, pursuant to T.R. 2, on this 6th day of March, 2024.

Respectfully submitted,



Nicholas C. McLeland, #28300-08
Carroll County Prosecutor

The Court finds that the requirements of Omar v. State of Indiana are met and the Request for Leave is Approved this _____ day of March, 2024.

Frances Gull, Special Judge
Carroll Circuit Court

STATE OF INDIANA)
) SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

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

CAUSE NUMBER: 08C01-2210-MR-00001

AFFIDAVIT OF CUSTODIAN OF RECORDS

I, _____, on behalf of Westville Correctional Facility and Wabash Valley Correctional Facility, being first duly sworn upon my oath, state the following:

1. I am the custodian of records attached hereto.
2. The copies of the records for which this certification is made and which are attached hereto are true and accurate reproductions of the original records maintained in my files.
3. The records reflect memoranda, reports, records, and data compilations that were made at or near the time of the occurrence of the matter set forth in each of the records, or from information transmitted by a person with knowledge of the matters set forth.
4. The memoranda, reports, records, and data compilations reflected are kept in the course of my regularly conducted business activity, and it is my regular practice to make the memoranda, report, record, or data compilation.
5. I am providing this Affidavit as the Custodian of Records, pursuant to Rule 803 (6) of the Indiana Rules of Evidence.

I do hereby swear and affirm under the penalties of perjury that the attached documents
are true.

Signature

Printed Name

Title

Name of Entity

Date