

STATE OF INDIANA            )                    IN THE CARROLL CIRCUIT COURT  
  )ss:  
COUNTY OF CARROLL        )                    CAUSE NO. 08C01-2210-MR-000001

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

**MOTION TO QUASH SUBPOENA**

Comes now the Defendant, Richard Allen, by Counsel, Bradley A. Rozzi, and pursuant to Rule 45(B) of the Indiana Rules of Trial Procedure, requests that this Honorable Court quash the Subpoena issued by Carroll County Prosecutor, Nicholas McLeland, on or about the 20<sup>th</sup> day of April, 2023, in the above captioned matter. In support of said Motion, Defendant Allen states as follows:

1. On or about April 20, 2023, Defendant Allen was served with a Motion for Leave of Court to Subpoena Third-Party Records;
2. Attached to said Motion was a Subpoena Duces Tecum directed to Westville Correctional Facility, a division of the Indiana Department of Corrections;
3. More specifically, said Subpoena referenced the following documents and records to be produced:

- (a) 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, on or about November 3<sup>rd</sup>, 2022 until present.
- (b) The results of any mental health evaluation and/or exams performed on Richard M. Allen while he has been incarcerated at Westville Correctional Facility, on or about November 3<sup>rd</sup>, 2022 until present.
- (c) 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, on or about November 3<sup>rd</sup>, 2022 until present.

4. The Subpoena is unreasonable and oppressive for the following reasons:
  - a. Disclosure of the documents violates Defendant Allen’s privacy rights under 45 C.F.R. 164, et al.; and

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- b. Prosecutor McLeland is requesting records which are irrelevant as there are no pending matters pertaining to Defendant Allen's competency to stand trial, nor has Defendant Allen raised the defense of insanity.

5. Defendant Allen respectfully requests that this Court issue an Order quashing the Subpoena and for all other just and proper relief in the premises.

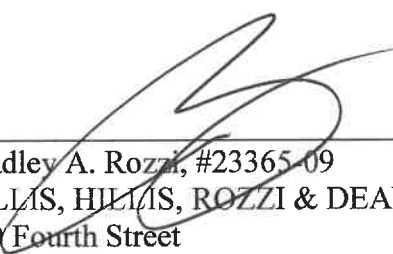
Respectfully Submitted,



\_\_\_\_\_  
Bradley A. Rozzi, #23365-09  
HILLIS, HILLIS, ROZZI & DEAN

**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 Srd day of May, 2023.



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