

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 20th 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 and all audio/video recordings of Richard M. Allen while he is in his cell or being moved from his cell to recreational area for the time period of his incarceration at Westville Correctional Facility.
 - (b) Any notes from any guards, inmates or other Westville personnel that have made written observations of Richard M. Allen, either while he is in his cell or when he is being moved from one place to another for the time period of his incarceration at Westville Correctional Facility.
 - (c) Recordings of any interviews done with Richard M. Allen by anyone at the facility while he has been incarcerated at Westville Correctional Facility.
 - (d) Copies of any recorded phone calls, outside of phone calls made to his attorneys, while he was incarcerated in the facility.
 - (e) Any written requests made by Richard M. Allen while he was at Westville Correctional Facility.

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
BRADEN J. DEAN
I.D. #31941-34

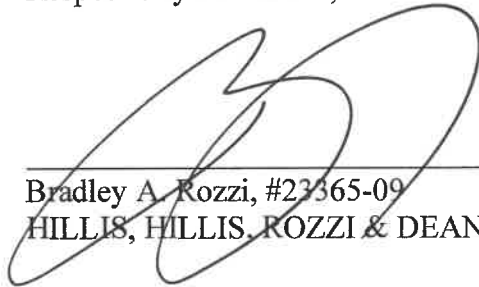
(f) Any other documents, records, notes, videos and/or writings that the facility may have pertaining to Richard M. Allen for his incarceration at that facility.

4. The Subpoena is unreasonable and oppressive for the following reasons:

- a. The requested documents may contain medical and/or psychiatric information associated with Defendant Allen and therefore, are protected under 45 C.F.R. 164, et al.; and
- b. Any information derived from interviews done with Defendant Allen by members of the Westville Correctional Facility amount to a violation of Defendant Allen's Fifth and Sixth Amendment Rights under the United States Constitution and Article I § 13 and Article I § 14 of the Indiana Constitution.

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

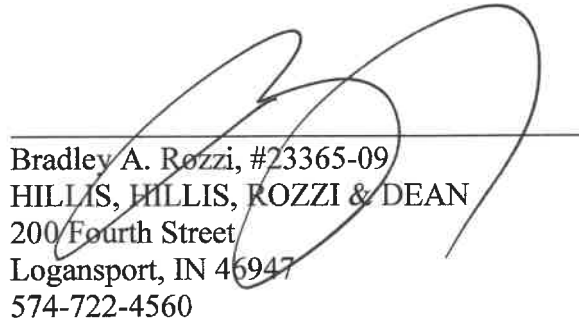
I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office and Andrew J. Baldwin the 3rd day of May, 2023.

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4560
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09

BRADLEY A. ROZZI
I.D. #23365-09

BRADEN J. DEAN
I.D. #31941-34



Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46947
574-722-4560