

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

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

VERIFIED INFORMATION OF CONTEMPTUOUS CONDUCT

Comes now the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, and brings to the Court’s attention, as an officer of the Court, verified information of contemptuous conduct by Defense Counsels Brad Rozzi and Andrew Baldwin, pursuant to I.C. 34-47-3-5(d). The State would ask the Court to Order Brad Rozzi and Andrew Baldwin to appear before this Court and show cause if there be any reason why they should not be held in indirect contempt for violation of this Court’s Orders. The State would ask the Court to consider the following information:

1. That both Brad Rozzi and Andrew Baldwin were appointed by this Court to represent the Defendant herein as public defenders on November 14th, 2022.
2. That a hearing was held on November 22nd, 2022, to resolve preliminary matters. The same day the State of Indiana filed a Motion for an 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 commonly referred to as a “Gag Order”.
3. That the Court took the State’s Motion under advisement, but in an in-chambers conference, Defense Counsels Brad Rozzi and Andrew Baldwin refused to agree to the State’s Motion stating that such an Order, i.e. “Gag Order” was unnecessary because they had no intentions of discussing this case in the public.
4. That on December 1st, 2022, the Defense put out a Press Release that included extrajudicial statements by means of public communication that commented on the case to the public and to the media including commenting on the investigation by law enforcement; the evidence discovered against the Defendant and

presenting evidence that they believe proves the Defendant's innocence. The information released would have been in direct violation of the "Gag Order" that the Defense would not agree to and which the Defense stated was unnecessary because they were not going to discuss this case in the public or the media. The Press Release is herein attached as State's Exhibit "1".

5. That the Press Release contained multiple comments of the kind presumed to have a substantial likelihood of materially prejudicing an adjudicative proceeding in this matter.
6. That the Court entered an Order on December 2nd, 2022, 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 without a hearing. The Order directed the attorneys not to comment on this case to the public or to the media, directly or indirectly, by themselves or through any intermediary, in any form. The Court reminded Counsel at that time that they were bound by Rules of Professional Conduct Rule 3.6 about trial publicity. This Order is commonly referred to as the "Gag Order". The Court commented that this Order was put out in response to the Press Release by Defense Counsels Brad Rozzi and Andrew Baldwin.
7. That sometime in December of 2022, Defense counsel Andrew Baldwin violated the Court's Gag Order by sending an email to Brandon Woodhouse containing an outline of discovery, including the names of juvenile witnesses. Brandon Woodhouse is not an attorney on this case and is not involved in this case in any capacity.
8. That further, Defense Counsels Brad Rozzi and Andrew Baldwin failed to notify the Court or the State of the dissemination of information in this case to an unauthorized recipient and intentionally withheld that information from the Court and the State by asking Brandon Woodhouse to delete the email.
9. That this "leak" of information was not discovered until the State uncovered it on Brandon Woodhouse's YouTube channel in March of 2023. Further it was discovered that Brandon Woodhouse has disseminated the information to several other people and his YouTube channel was viewed by multiple viewers. This

dissemination of material from the case is a violation of the Gag Order that directly relates back to Defense Counsel.

10. That on February 13th, 2023, the State filed a Motion Requesting a Protective Order Governing Discovery in an effort to prevent the Defense from disseminating evidence in this case to people outside the case and/or to the public.
11. That on February 17th, 2023, the Court granted the State's Motion and put in place a protective Order setting forth very restrictive rules to prevent dissemination of the discovery in this case to the public or to anyone not involved in the case.
12. That in October 2023, the State was made aware by the families of the victims that crime scene photos were leaked to the public. Indiana State Police began an investigation into how the photos were leaked. It became immediately obvious that the leaked photos came from the Defense. On September 18th, 2023, the Defense filed a Franks Motion with a Memorandum in Support. The memorandum described the crime scene in gory, graphic detail. As part of that memorandum, the Defense attached exhibits that were provided in hard copies to the State and the Court. Some of the exhibits were side by side photos that the Defense created and photos of the crime scene that the Defense had altered. These photos were the photos that were leaked to the public.
13. That investigators were led to a Podcaster, who said he got the pictures from an individual that he knew. The investigation lead officers to determine the Podcaster got the photos from a man that he knew, who got them from Robert Fortson. Robert Fortson received the photos from Mitch Westerman, who is tied to the Defense.
14. That on October 10th, 2023, Defense Counsel Andrew Baldwin stated on a conference call with all parties, that a trusted confidant by the name of Mitch Westerman stopped by his office to visit, snuck into his conference room, where all the discovery in this case was being held, unsecured and took photos of crime scene pictures. Defense Counsel Baldwin stated that this occurred without his permission and that the pictures were stolen. Ironically, this was hours after investigators spoke to Fortson and determined that Mitch Westerman leaked the photos and he was the connection to the Defense.
15. That the investigation by the Indiana State Police revealed that Mitch Westerman

previously worked for Baldwin and was a person Baldwin trusted. In an interview with Indiana State Police, Defense Counsel Baldwin admitted that he voluntarily gave Mitch Westerman a copy of the Frank's Memorandum to review.

Defense Counsel Baldwin also stated that he gave the Frank's Memorandum to another civilian to review. The Frank's Memorandum and exhibits contained protected discovery information that included very sensitive crime scene photos that were "leaked" by Mitch Westerman. Specifically, the investigation revealed that Mitch Westerman gave the photos to an individual named Robert Fortson, who then passed them on to individuals who distributed them throughout the internet.

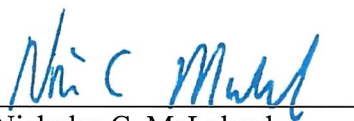
16. That on October 12th, 2023, Defense Counsel Brad Rozzi submitted a letter to this Court admitting that both he and Defense Counsel Andrew Baldwin had agreed to store the discovery in the conference room in Defense Counsel Baldwin's Office. Further, Defense Counsel Rozzi admits that Mitch Westerman had access to the conference room and took the photos. Finally, Defense Counsel Rozzi admits that it was negligent on the part of Defense Counsel to allow Mitch Westerman alone in the office where sensitive discovery material was stored. See Section 4 of the letter filed with the Court. Then in Section 10 of that same letter, Defense Counsel Rozzi accepts responsibility for a lapse in security that caused the photos to be leaked. Admitting to this Court that they are in indirect contempt of the Court's Orders.
17. That on October 18th, 2023, Mitch Westerman submitted an affidavit to this Court stating that he in fact went into the conference room of Defense Counsel Andrew Baldwin and took pictures of discovery evidence without the permission of Defense Counsel Baldwin.
18. That investigators were able to retrieve messages between Robert Fortson and another individual that showed that Robert Fortson had detailed real-time knowledge about when evidence was submitted to the Defense and the contents of that evidence for weeks before the photos were leaked. Fortson also knew the actions Defense took in trial preparation, leading law enforcement to believe that this was not a onetime act of one person, but a consistent "leak" of information and discovery in the case. The investigation showed that Westerman would get

information about the case and then give it to Fortson, who would distribute it to other individuals.

19. That investigators attempted to interview both Mitch Westerman and Robert Fortson, each of which declined.
20. That shortly after investigators attempted to interview Robert Fortson, he took his own life. An investigation into that death lead law enforcement to find out that shortly before his death he had expressed concerns about the open investigation concerning the discovery leak in this case and stated to someone that if he just came clean, all this would go away.
21. That a search warrant on the iCloud account of Mitch Westerman revealed screenshot photographs of conversations between Mitch Westerman and Defense Counsel Andrew Baldwin wherein they candidly discuss the Richard Allen case and candidly talk about the Court and the State, displaying a free flow of information that is protected by the Court's Gag Order and the Order protecting discovery.
22. That the investigation shows that Defense Counsel failed to secure evidence and discovery materials in this case, specifically graphic crime scene photos, which were then distributed to the public and put on the internet in violation of the Court order dated February 17th, 2023, and evidence supports a conclusion that the disclosure was on-going.
23. That on October 19th, 2023, and again at the hearing held on October 31st, 2023, David Hennessey, attorney for Andrew Baldwin suggested to the Court that both attorneys be sanctioned for their actions. Those sanctions have yet to be addressed.
24. That the State was notified in the beginning of the "leak" by the Defense by the families of the victims. Since that time, the State has had an opportunity to talk to the families of the victims about the photos and information that was "leaked". The amount of harm and revictimization that this has caused the families of the victims is unmeasurable and incurable.
25. That the Press Release and the two occasions of "leaked" information show a trend by Defense Counsels Brad Rozzi and Andrew Baldwin of not being completely honest with the Court, violating the Court's Gag Order set in place to

protect the integrity of the case, and failing to comply with the Protective Order put in place to protect the discovery in this case.

Wherefore, now comes the State of Indiana, by Prosecuting Attorney, Nicholas C McLeland, and swears under the penalties of perjury that the information above is true and accurate to the best of the State's knowledge based on filings, personal knowledge, and police investigations. The State asks the Court to issue a Rule to Show Cause Order based on this information and set this matter for a Hearing and Order Attorneys Brad Rozzi and Andrew Baldwin to appear and show cause, if there be any, why they should not be held in contempt by this Court.



Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the Defendant's attorney of record, through personally delivery, ordinary mail with proper postage affixed or by service through the e filing system and filed with Carroll Circuit Court, this 29th day of January, 2024.



Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

PRESS RELEASE

As Richard (Rick) Allen's attorneys, we have received multiple requests from local and national media for interviews and comment since the unsealing of the probable cause affidavit. It would be virtually impossible to comply with these requests and continue to focus on the merits of Rick's defense. Therefore, we offer up these thoughts:

We do not want to try this case in the media and we intend to adhere to the Indiana Rules of Professional Conduct that provide guidance on pretrial publicity. However, the police and prosecutor's office have conducted many press conferences over the five-plus years of this investigation and following our client's arrest. On the other hand, Rick's ability to assert his innocence has been reduced to only one short, post-hearing press conference. Accordingly, we feel it appropriate, necessary, and within the bounds of our rules of professional conduct to make a few comments concerning the probable cause affidavit and Rick's innocence.

- Rick is a 50-year-old man who has never been arrested nor accused of any crime in his entire life. He is innocent and completely confused as to why he has been charged with these crimes.
- The police did not contact Rick after Libby German and Abby Williams went missing, rather Rick contacted the police and voluntarily discussed being on the trail that day. Like many people in Delphi, Rick wanted to help any way he could. Rick contacted the police to let them know that he had walked on the trail that day, as he often did. Without Rick coming forward, the police probably would not have had any way of knowing that he was on the trail that day.
- Rick volunteered to meet with a Conservation Officer outside of the local grocery store to offer up details of his trip to the trail on the day in question. Rick tried to assist with the investigation and told the police that he did recall seeing three younger girls on the trail that day. His contact with the girls was brief and of little significance. Rick does not recall if this interaction with the Conservation Officer was tape-recorded but believes that the Conservation Officer scribbled notes on a notepad as Rick spoke to him.



- After Rick shared his information with law enforcement officials, he went back to his job at the local CVS and didn't hear from the police for more than 5 years.
- The next time Rick heard from the police was in October, 2022. This was approximately two weeks before a contested Sheriff's election and within days of a federal lawsuit filed against the Carroll County Sheriff's Office by its former second in command, Michael Thomas.
- In the lawsuit, Thomas claims that he (Thomas) "had made suggestions and offered assistance in the investigation of a high-profile child homicide investigation" but those suggestions and offers were rejected by the Sheriff. Thomas further claimed that the Sheriff and others in the department feared the disagreements with Thomas would become publicized as a result of the political campaign for Sheriff.
- Thomas claims in the suit that he was ultimately demoted and replaced by Tony Liggett, who later that year won the 2022 election for Sheriff. Furthermore, Thomas claims he was also removed from high profile cases.
- Rick was ultimately arrested on or about October 28, 2022.
- In the 5+ years since Rick volunteered to provide information to the police, Rick did not get rid of his vehicle or his guns and did not throw out his clothing. He did not alter his appearance; he did not relocate himself to another community. He did what any innocent man would do and continued with his normal routine.
- The probable cause affidavit seems to suggest that a single magic bullet is proof of Rick's guilt. It is a bit premature to engage in any detailed discussions regarding the veracity of this evidence until more discovery is received, but it is safe to say that the discipline of tool-mark identification (ballistics) is anything but a science. The entire discipline has been under attack in courtrooms across this country as being unreliable and lacking any scientific validity. We anticipate a vigorous legal and factual challenge to any claims by the prosecution as to the reliability of its conclusions concerning the single magic bullet.
- On Rick's behalf, we argued to have the PCA unsealed. Rick has nothing to hide. As importantly, we were hoping that we would receive tips that would assist us in proving up his innocence. Not surprisingly, we have been inundated with tips from a variety of sources, all of which will be vetted by our team. Although it is the burden of the prosecutor to prove Rick's guilt beyond a reasonable doubt, the

defense team looks forward to conducting its own investigation concerning Rick's innocence. We appreciate those that have reached out to support his cause.

- The prosecutor mentioned, at the last hearing, his belief that others may have been involved in the killing, yet there was no mention in the PCA about a second suspect involved in the killing. The defense is confused by such discrepancies in the investigation and will be in a better position to respond as more discovery is received.
- Rick Allen owned a Ford Focus in February of 2017. His Ford Focus is not, in any way, similar to the distinctive look of the PT Cruiser or Smart Car that was described by the witnesses. It seems that the CCSD is trying to bend facts to fit their narrative.
- At this point in time, we have received very limited information about this case and look forward to having something more to view than that which was offered up in the sparse PCA.

Moving forward, it is our intent to scrutinize the discovery, as it is received, and give the necessary attention to the volumes of tips that we are receiving. To the extent we continue to discover information that points to Rick's innocence, we will offer up this information to the public, so long as we are not prohibited from doing so as a result of the recent request by the Prosecutor for a gag order or by the Indiana Rules of Professional Conduct.

Brad Rozzi
Hillis, Hillis, Rozzi and Dean

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Attorneys for Rick Allen